

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 301

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 25, 1999

Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Lambke, Martz, Pisciotte, Rogers; present. *Council Member Gale absent. Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Rick Cline, Central Church of Christ

Presentation of Arms was by Pleasant Valley Middle School - 8th Grade. The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The minutes of the regular meeting of May 11, 1999, were approved 6 to 0. (Gale absent)

AWARDS AND PRESENTATIONS

PROCLAMATIONS Mayor Knight presented the Proclamations that were previously approved.

SERVICE AWARDS Pride of the City Award was presented to Dr. Val Brown and Dr. William Burney.

UNFINISHED BUSINESS

LARK LANE PETITION **PETITION FOR LARK LANE IMPROVEMENT, SOUTH OF KELLOGG.** (District V)
Deferred from May 4, 1999 meeting.

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 99- 407

On March 7, 1995, the City Council approved a Petition to pave Lark Lane south of Kellogg. The Petition was a platting requirement for Lark 2nd Addition. The project was completed in 1998. The Developer has submitted a new Petition to expand the original assessment district to include 216 additional lots and part of the Reserve in Lark 4th Addition. The signatures on the Petition represent 2 of 199 (1%) resident owners of 52.7% of the improvement district area. CPO Council 5 considered the Petition on April 14, 1999. The Council voted 5-0 to recommend disapproval.

The improvement consists of a 32 foot wide collector street with curb and gutter. It provides access to Kellogg and Pawnee for the Lark neighborhood located south of Kellogg, west of Lark Lane.

The Petition amount is \$262,000. The funding source is special assessments. The estimated assessment per lot is \$1,058.

Council Member Martz Council Member Martz said there is some question of property ownership by petition signers. Approval should be subject to verification of ownership.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Don Richter Don Richter, 1903 West Prescott, said the new petition was signed by persons who were not the true property owners. The previous petition showed the developer paying the cost. The new petition shows the developer paying none of the cost. The majority of the property owners were not told about the special assessments. The new petition required no public hearing.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 302

Mr. Richter also questioned the legality of a petition being submitted and voted on after the improvement was already completed.

Mike Lindebak City Engineer said he believed it was the developer's intent, all along, that the area would be expanded to all lots in the new area.

Grover Piper Grover Piper said he had lived at 1826 South Prescott since October 31, 1997, and he had not signed the petition.

Motion -- Martz moved that the Petition be approved, subject to verification of ownership as stated in the petition, and the Resolution be adopted. Motion carried 6 to 0. (Gale absent)

-- carried

RESOLUTION NO. R-99-168

Resolution of findings of advisability and Resolution authorizing improving of Lark Lane from the south line of Lark Second Addition, north to the Atchison, Topeka, Santa Fe Railroad, Project No. 472-82569 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. (Gale absent) Yeas: Cole, Lambke, Martz, Pisciotte, Rogers, Knight.

RR CROSSING

RAILROAD CROSSING CLOSURE ON DODGE, BETWEEN ORIENT AND WALKER WALKER. (District IV)

Randy Hoskins Traffic Engineer reviewed the Item.

Agenda Report No. 99-463.

In the Railroad Traffic Reorientation study performed by the MAPD for the City in 1998, ten railroad crossings were recommended for closure. The Dodge crossing, between Orient and Walker was one of these identified for removal. By eliminating the crossing, the safety concerns of a railroad/street intersection will no longer exist. With the upcoming increase in train traffic, it would be necessary to upgrade the protection of the Dodge crossing. By eliminating the Dodge crossing, the Kansas Department of Transportation would be more likely to participate in funding the arterial street crossings that are to remain open such as McLean Blvd., Seneca or Meridian.

The Dodge Railroad Crossing closure was presented to CPO 4 on March 25, 1999. There were 25 area residents who addressed the Council on this item. Nearly all were in opposition to the closure. They stated concerns with the safety of school children who cross the tracks. They also mentioned difficulties getting out of the neighborhoods onto Seneca and the lack of any other streets crossing the tracks. The CPO voted to send the issue before the Traffic Commission.

The Traffic Commission heard the issue at the April 21, 1999 meeting. Three phone calls were received in favor of the closure. The callers stated concerns with the amount of traffic using Dodge as a cut-through street. Fifteen callers were opposed to the closure, citing the concerns voiced at the CPO meeting. The principal of Stanley Elementary School faxed a letter of concerns if the crossing was to be closed, requesting that pedestrian access be maintained at a minimum. There is also a business located on the north side of the crossing that is concerned that the closure will affect access to the business. Every resident who attended the meeting was opposed to the closure. The Traffic Commission voted unanimously to oppose the closure of the Dodge Railroad Crossing.

The cost to remove a portion of the street and to construct a turn around for is estimated to be \$15,000 and will be paid for by KDOT Railroad Signalization funds. Closing the Dodge Railroad Crossing will eliminate any need to upgrade the crossing protection and will improve the chances of getting increased crossing protection at other more heavily used crossings.

Motion -- Knight moved that the rules be set aside and a person from the public be allowed to speak. Motion carried 6 to 0. (Gale absent)

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 303

Charles Smith Charles Smith, owner of property at 1309 South Walker, stated that his property is in the middle of the block between two other businesses. The property has a very narrow drive and frontage, and closing Dodge Street would, in effect, take away the entrance to his business. Approval of the closure would create a great hardship on his business.

Motion -- carried Knight moved that the closure be denied. Motion carried 7 to 0.

RR CROSSING RAILROAD CROSSING CLOSURE ON OSAGE, NORTH OF WALKER. (District IV)

Randy Hoskins Traffic Engineer reviewed the Item.

Agenda Report No. 99-464/

In the Railroad Traffic Reorientation study performed by the MAPD for the City in 1998, ten railroad crossings were recommended for closure. The Osage crossing north of Walker was identified for removal. By eliminating the crossing, the safety concerns of a railroad/street intersection will no longer exist. With the upcoming increase in train traffic, it would be necessary to upgrade the protection of the Osage railroad crossing. By eliminating the Osage crossing, the Kansas Department of Transportation would be more likely to participate in funding the arterial street crossings that are to remain open such as McLean Blvd., Seneca or Meridian. The Osage crossing has been closed for several months due to the construction being done on the railroad tracks with no complaints received.

The Osage Railroad Crossing closure was presented to CPO 4 on March 25, 1999. There were no citizens present to speak on the issue, although two calls were received from the public. One was in favor of the closure, one was against. The caller against the closure cited concern that the high school and sheriff's department would need Osage for access. Calls to the school and sheriff found no concerns with the closure. The CPO voted to send the issue before the Traffic Commission.

The Traffic Commission heard the issue at the April 21, 1999 meeting. Again, no one was present to speak on the issue and no additional phone calls were received. The Traffic Commission voted unanimously to recommend closure of the Osage Railroad Crossing.

The cost to remove a portion of the street and to construct a turn around is estimated to be \$15,000 and will be paid for by KDOT Railroad Signalization funds. Closing the crossing will eliminate any need to upgrade the crossing protection and will improve the chances of getting increased crossing protection at other more heavily used crossings.

Motion -- carried Knight moved that the closure be approved. Motion carried 7 to 0.

FINANCIAL REPORT QUARTERLY FINANCIAL REPORT.

Effective with January 1999, the City commenced using a new computer financial system. The system is being brought on-line in components. Finance staff have been working to ensure basic financial operations are functioning.

This is the first summary report generated from the financial system and concentration has been on preparation of the budget-to-actual financial statements by fund, with comparison to 1998, as affording the City Council the most useful information on budget performance to date. With subsequent quarterly reports, balance sheet and cash statements will also be included.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the Report be received and filed. Motion carried 6 to 0. (Gale absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 304

PAWNEE & OLIVER PAWNEE AND OLIVER (District III)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-466.

Background: In 1995, the City requested State Economic Development funds to reconstruct and add additional left turn lanes to the intersection of Pawnee and Oliver. The request contemplated that the Kansas Department of Transportation (KDOT) would pay 75% of the project cost. In March, 1996, KDOT reduced its participation to 65% of the cost. Funding for the City's share of the cost was included in the 1998/1999 Intersection Reconstruction Capital Improvement project.

KDOT has prepared its standard construction Agreement and submitted it to the City for approval in early 1999. The Agreement stated that KDOT would pay 80% of the total cost. Staff contacted KDOT to determine if the 80% figure was correct but did not receive a return call for a number of weeks. In absence of clarification from KDOT, staff forwarded the Agreement to the City Council for approval. The Agreement was approved by the Council on April 13, 1999. After the Agreement was approved and returned to KDOT, the state realized that it had made a mistake and that the Agreement should have shown the 65% figure.

KDOT has now submitted a revised Agreement for approval.

The project consists of constructing left and right turn lane improvements, upgrading traffic signals, and landscaping.

The estimated project cost is \$610,000. At the 80-20 cost share agreement with the state, the City's project cost would have been approximately \$120,000. With the 65-35 cost share agreement, the City's project costs is approximately \$200,000. The funding source for the City share is General Obligation Bonds.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Lambke moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Gale absent)

MERIDIAN IMPR. MERIDIAN AVENUE IMPROVEMENT, MAPLE TO CENTRAL. (Districts IV & VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-467.

On October 6, 1998, the City Council approved a project to improve Meridian, from Maple to Central. Bids were opened for the work on May 14, 1999. All bids exceeded the limits of the project budget. Since this project is a joint city-state improvement, a new authorizing Ordinance has been prepared to increase the budget.

Meridian, between Maple and Central is a two lane roadway that is in poor condition. The proposed improvement consists of widening Meridian to three lanes (one in each direction) with two through lanes and a center two-way left turn lane. New traffic signals will be installed at Maple, Douglas, and 2nd Street.

The current project budget is \$1,900,000, with \$600,000 paid by the City and \$1,300,000 by Federal Grants administered by the Kansas Department of Transportation. The proposed budget is \$3,000,000; with \$800,000 paid by the City, and \$2,200,000 by Federal Funds. Funds for the City's additional \$200,000 share increase are available from the 1999 Local Sales Tax funds as designated for arterial

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 305

street projects that will now be funded with a combination of General Obligation bonds and Federal funds.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Cole moved that the budget increase be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Gale absent)

ORDINANCE

An Ordinance declaring Meridian Street, from Maple Street to Central Avenue (472-82740) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ADDENDUM ITEM

VEST POCKET PARK CONSTRUCTION OF PARK AT OLD WOOLWORTH SITE.

Agenda Report No. 99-514.

The 1996 Capital Improvement Program contained a project to construct a park at the site of the old Woolworth building, which was located on the south side of Douglas between Market and Broadway. Bids for the project were solicited on several occasions dating back to November, 1997. Each time bids were opened, they exceeded estimates and were rejected, the latest being on April 2, 1999.

The project will turn a vacant lot into a focal point along Douglas. It includes many aesthetic elements, including decorative paving, landscaping, a fountain and water curtain, furniture and artwork.

The two proposal amounts are:

Cornejo	\$568,292.50
Gossen Livingston	\$502,000.00

Funding will be a combination of General Obligation bonds and private donations. A budget increase will be necessary to fund the project.

Chris Cherches

City Manager reviewed the Item and said the City has eliminated the arcade structure to reduce the cost of the project. A major part of the cost is due to the razing of the Woolworth Building, which exposed the exterior walls of the two adjacent buildings. Treatment to preserve the walls is necessary.

Staff is requesting Council consideration of increasing the project by \$164,000. Recommended action would include approving the budget adjustment of \$164,000 and authorizing Resolution; and authorizing negotiation, and the necessary signatures, of a contract for the exact cost within the framework presented.

Council Member Lambke

Council Member Lambke said the fountain and other sculptures are so fantastic that the project should be completed so they will be available for public view.

*Council Member Gale present.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Mayor Knight

Mayor Knight said he hoped the project would not be reduced until the value of having a park in the center of the City is lost.

Motion --
-- carried

Cole moved that the budget adjustment of \$164,000 and negotiation of a contract be approved and the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 306

RESOLUTION NO. R-99-193

A Resolution finding it necessary to make certain improvements to construct a vest pocket park (on Douglas between Market and Broadway) (Project Number 472-82881) and authorizing the issuance of bonds by the City of Wichita at Large, presented. Cole moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

TOWER STUDY

APPROVAL OF COMMUNICATION TOWER STUDY.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-468

With the adoption of the federal 1996 Telecommunications Act, the City has seen a significant increase in the number of requests for commercial communication towers. The towers are used to locate (wireless) communication antenna which facilitate cell phone, pager and personal communication system (PCS) services. Since 1996, Staff has processed 31 cases involving commercial communication towers. In the metropolitan area, approximately 150 communication towers over the height of 60 feet have been identified. Within the City limits, the highest of the towers inventoried is 499 feet tall. The majority of the requests processed recently are for towers in the 120 to 180 foot range. Most recently, staff has talked with a potential applicant wishing to site another 500 foot tower in the north central area of the city.

On towers with sufficient height, a number of providers can co-locate on a single tower provided the tower is sited in a location that meets the radio propagation needs of the individual carrier. Part of the difficulty in effectively processing requests for communication towers has been the amount of conflicting information provided or the reluctance (by some carriers) to supply information necessary to adequately evaluate specific requests and to ensure that the requirements Unified Zoning Code are addressed. Before a permit for a new tower can be considered, current code requires an applicant to prove that there are not any other towers, buildings or structures available and properly situated on which antenna can be located.

The goal of the City should be to facilitate effective coverage with the fewest number of new towers. Some carriers have been reluctant to disclose information to Staff that they feel is proprietary and could be used for competitive advantage by rival companies. Differences in equipment used by each carrier results in different tower needs. In addition, some of the tower applicants are individuals whose business is the renting of tower space to a variety of users - paging, microwave, as well as phone - as opposed to a communication carrier. In these cases, the independent tower builder may be willing to build a tower on a speculative basis, anticipating that the carriers will need the location in the near future. Since the City's ordinance was passed, carriers have become more sensitive and creative in siting antenna. Antenna have been placed on top of 25 buildings and two stadium light poles.

The 1996 Telecommunications Act included specific provisions which impact the manner in which tower requests must be reviewed: (1) The Act created a presumption that needed wireless facilities can be sited in a community. In other words, the Act prohibits a community from uniformly prohibiting cell towers; (2) Applications for towers must be acted on within a reasonable time by the local zoning authority. Court cases indicate that "reasonable" means that tower applications should be processed in a similar time frame as non-tower applications; (3) Regulations which unreasonably discriminate between providers are prohibited. Cities cannot discriminate among or between providers of functionally equivalent services; (4) Local governments cannot regulate towers on the basis that radio frequency emissions might cause negative environmental impacts. In other words, one cannot use the theory that electromagnetic wave emissions (EMFs) cause sickness; and (5) Decisions resulting in the denial of a wireless facility must be in writing and supported by substantial evidence contained in the written record.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 307

Based on recent requests and what is happening in other cities across the nation, it is expected that requests for communication towers will continue to be received. As the carriers (and tower builders) identify gaps in coverage and attempt to provide improved service, it is likely that the siting of towers will become more controversial as many sites in non-residential areas have already been utilized. As requests in residential areas increase, the need to quickly and accurately evaluate technical data will become more critical in order to comply with local and federal review requirements while adequately protecting the public's interest. The assistance of a qualified third party in reviewing tower requests would enhance the city's review process.

The Communication Tower business is complex, requiring specific knowledge not only of federal regulations, but the community's actual (versus speculative) needs may be, where they may best be accomplished without being a detriment to the City, and adversely impacting property values. It is proposed that the City initiate a communication tower plan that would address the various technical issues and assist City Staff in responding to the various applications being received. The end result would be a tower plan that would illustrate the need and appropriate locations where the need could best be served, with due considerations to the local and federal requirements.

Having a well-developed tower plan would facilitate local reviews and ensure that federal requirements are met.

The exact cost for consultant assistance cannot be determined at this time until the contract is negotiated; however, once the consultant is selected, Staff will return to the City Council with the appropriate budget adjustments.

Chris Cherches

City Manager said that, like most cities, Wichita is seeing an increase in communication tower requests. Because of federal and case law decisions governing the placement of towers, along with the need for local control on locating towers, it is proposed that the City retain professional and expert assistance to limit the impact of the growing number of towers in the City.

There is a need to examine where towers may be needed, how to lessen the impact on surrounding properties, and to develop an overall plan that will minimize the impact on the community by a saturation of large towers.

To assist in this task, Staff is seeking approval from the City Council to retain professional and expert assistance.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotte moved that professional assistance in developing a tower plan and advisory assistance on future tower applications be authorized. Motion carried 7 to 0.

CITY COUNCIL AGENDA

ELECTRIC RATE

STRATEGIES ON ELECTRIC RATE PARITY. (Mayor Bob Knight)

Mayor Knight

Mayor Knight reviewed the Item.

Agenda Report No. 99-469.

The Mayor has led City efforts to reduce electric rates in Wichita and the entire KGE service area of Western Resources with a goal to achieving rate parity. The City has retained the services of outside legal, financial and operations experts to assist in this effort in representing the City during the current utility merger case before the Kansas Corporation Commission.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 308

On May 11, 1999, Mayor Knight informed the City Council on the status of the merger case, reporting that despite initial KCC staff findings and recommendations affirming the principle of rate parity, the pending settlement was not favorable to the City's position. The Mayor proposed a three point strategy for the City:

- [1] Pursue an appeal to Federal Energy Regulatory Commission,
- [2] Creation of a municipal energy agency, and
- [3] Study the feasibility of a City-owned and operated electric utility

This matter is returned for action by the City Council. Each of these strategies represent avenues the City can take to secure lower electric costs with the long-term goal of rate parity with other Kansas consumers:

[1] Pursue an appeal to Federal Energy Regulatory Commission: Financially, Western Resources has one group of shareholders. Operationally, Western Resources has only one generation and distribution system. In a more neutral regulatory environment, outside of the now politicized environs of the Kansas Corporation Commission, Wichita may be able to secure a fair hearing on this issue. The merger of Western Resources must be approved by the Federal Energy Regulatory Commission; this represents the next opportunity for the City to pursue the rate parity issue. This strategy will require the City to continue its retention of outside experts to assist the Mayor and City staff in representing the City's interest

[2] Creation of a municipal energy agency (MEA): These types of entities have been allowed under state law for many years. State law was changed in 1998 to allow any city (not just those with a municipal electric utility) to join or form such an agency. The City has taken the initial steps in creating the legal framework. Staff is currently working with other cities to move forward to create a regional MEA. This agency, once established, will provide a vehicle to explore means of reducing electrical energy costs to citizens in area communities. Once an agency is established, a scope of activities to be undertaken, a budget, and financing alternatives would be determined and presented to the governing bodies of all of the member cities.

[3] Study the feasibility of a City-owned and operated electric utility: The current KGE franchise agreement is not an exclusive agreement. In any event, the current KGE franchise agreement expires on March 1, 2002. Wichita need not be a captive of Western Resources, nor should it be passive in the face of major changes in the market place such as retail wheeling. Wichita has other options to consider, but action is necessary now. Wichita should proceed now to determine the feasibility of establishing and operating a City-owned and operated electric utility. The City needs to determine the legal, financial, and operational considerations involved in the acquisition and operation of its own electrical service. An initial feasibility study can provide an overview and the basis for preliminary policy decisions with more detailed evaluations to follow.

Electric Utility Preliminary Action Plan

- A. The City should create a study team with a composition as determined by the Mayor and City Council to conduct a legal/financial/operational review
- B. From a financial perspective, the City should determine a basic plan of finance outlining:
 - [a] likelihood of purchasing electricity at a favorable cost;
 - [b] start-up costs for a City electric utility;
 - [c] estimated operating receipts and expenses;
 - [d] expected debt service obligations; and
 - [e] anticipated rates.
- C. Operationally, the City needs an initial assessment of what may be required to actually transition to acquisition/installation and operation of the distribution system.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 309

To do this, the City needs to put together a group of consultants, including management, legal, financial and engineering/operations. Initially, this is not a full-scale project, more a feasibility review. As it progresses, it will no doubt become more extensive.

Residents and businesses in Wichita constitute 47% of the KGE (Western Resources) customer base. Over the past six years, Wichitans have paid \$630 million more in electric costs from the same utility company, Western Resources, than their fellow Kansans in other communities to the north. The response of the utility is that high costs for electricity in Wichita cannot be materially changed because of the obligations involving Wolf Creek. The City of Wichita considers this to be unacceptable. The strategies outlined by the Mayor will permit the City to pursue multiple course of action to secure lower electric rates.

Funding for the service contracts to pursue each of these strategies will be identified at the time each is returned to the Council.

Mayor Knight Mayor Knight asked Council Member Pisciotte to head the feasibility study of a City-owned and operated electric utility, call on people of his choice to facilitate the study, and return to the Council with recommendations.

The appeal process will require additional funds to retain experts. The costs associated with this process will be brought back to the Council for approval.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried Rogers moved that implementation of each of the strategies be approved. Motion carried 7 to 0.

OFF AGENDA ITEMS

HISTORIC PRESERV. REPORT ON RECOGNITION BY HISTORIC PRESERVATION GROUP.

Motion -- carried Knight moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried 7 to 0.

Council Member Cole Council Member Cole said the Historic Preservation Group recently presented the City of Wichita an award recognizing the City for providing funding through the Historic Preservation Revolving Fund for the Pratt Campbell House at 1330 North Emporia.

The Award Certificate was presented to the City Council.

TORNADO CLEANUP TORNADO CLEANUP

Motion -- carried Knight moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried 7 to 0.

Council Member Lambke Council Member Lambke stated that he was passing along community comments regarding cleanup of tornado damage from the recent storm. Citizens in the southwest area of Wichita have been very complimentary regarding City efforts in the cleanup of debris and assistance to citizens following the tornado.

Citizens appreciate the City's efforts.

MCCONNELL AFB PRESENTATION FROM MCCONNELL AIR FORCE BASE.

Major Doug McCarty and Lieutenant Alana Austin from McConnell AFB provided an update on preparations for the 1999 McConnell Air Show and Open House.

The Open House and "Thunder in the Heartland" Air Show events will be held on June 14, 15, and 16, 1999.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 310

McConnell AFB's rededication Ceremony will be held Monday, June 14, 1999.

The OHAS Party and reception at Emerald City, and the USAF Tops in Blue Performance at Century II will be held Tuesday, June 15, 1999.

"Thunder in the Heartland" Open House and Air Show will be held Wednesday, June 16, 1999, with gates open/close at 1/9 p.m., Show 2-8 p.m.

PROCLAMATIONS

PROCLAMATIONS

--Genealogy Week

Motion -- carried

Knight moved that the proclamation be authorized. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Item No. 22k, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 17, 1999, AND MAY 24, 1999

Bids were opened on May 14, 1999.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Pave 135th Street West from Maple to 1/2 mile south - along 135th Street West, south of Maple. (472-83062, 82461, 82840, 82841/765578, 765545, 765529, 765537/490689, 490656, 490654, 490655) 135th will be closed for construction. City Council approval date: 1/26/99. (District V)

Cornejo & Sons Construction - \$600,388.75

Pave Harborlight Street from the east line of Meridian to the south line of Lot 53, Block 2, and Harborlight Courts serving Lots 1 through 6, Lots 11 through 22, Lots 25 through 35, and Lots 38 through 44, Block 2 - east of Meridian, south of 53rd Street North; Harbor Isle Second Addition. (472-89251/765040/490606) Does not affect existing traffic. City Council approval date: 5/19/98. (District VI) AND Storm Water Sewer #517 to serve east of Meridian, south of 53rd Street North; Harbor Isle Second Addition. (468-82916/751272/485163) Does not affect existing traffic. City Council approval date: 1/12/99. (District VI)

Ritchie Paving - \$511,407.75 (Total Aggregate Bid)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DEVISION: Cab and Chassis with Various Bodies (130807)

Copeland Trucks - \$69,439.00 (Group I/Total)
\$13,000.00 (Group I/Option 1 Deduct)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 311

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Street Sweepers (130807)

Key Equipment & Supply Co. - \$205,600.00 (Total Net Bid)
\$ 49,600.00 (Total Option 1 Deduct) \$ 74,600.00 (Total Option 4)
No Charge (Total Option 5)

PARK DEPARTMENT/GOLF COURSE MAINTENANCE: Utility Work cart, Fairway and Greens Aerator (696047)

Kansas Mini Power Vehicles, Inc. - \$20,800.00 (Total Group I)
Outdoor Equipment - \$8,200.00 (Total Group II)
\$6,550.00 (Total Group III)

PARK & RECREATION DEPARTMENT/GOLF COURSE MAINTENANCE DIVISION: Fuel Storage Tanks (096878)

Ray's Petroleum Equipment, Inc. - \$12,103.00 (Total Net Bid)

POLICE DEPARTMENT/SUPPORT SERVICES DIVISION: .40 Caliber Manufactured Ammunition (086300)

Ultramax Ammunition - \$120.00 (Cost per M)

Knight moved that the contract(s) be awarded as outlined above, subject to check and the and the necessary signatures be authorized. Motion carried 7 to 0.

Bids were opened May 21, 1999.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Fire hydrant to serve North Vine, between First and Second Streets North - north of First Street, west of Seneca. (448-89251/734459/470523) Does not affect existing traffic. City Council approval date: 4/7/98. (District VI)

Ditch Diggers LLC - \$2,750.00

1999 sewer response plan raise buried manholes, Set 1. (468-82979/620254 /669379) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. District V)

Dondlinger & Sons - \$124,844.00

Sidewalk at the Indian Center, Phase II - south of Central, west of Seneca. (472-83097/710212-B/239074) Does not affect existing traffic. City Council approval date: 4/27/99. (District VI)

McFadden Construction - \$5,172.25

Water distribution system to serve Garden Meadow Addition - north of Douglas, west of 127th Street East. (448-89355/734919/470589) Does not affect existing traffic. City Council approval date: 1/12/99. (District II)

Ditch Diggers LLC - \$8,131.00

Paving East First Street Circle (Garden Meadow Addition) from the east line of Jackson to and including the cul-de-sac - north of Douglas, west of 127th Street East. (472-83060/765572 /490683) Does not affect existing traffic. City Council approval date: 1/12/99. (District II)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 312

Kansas Paving Company - \$49,057.25

Paving 151st Street West (Reese Farms Estates and Auburn Hills Fifth Addition) from the north line of US Highway 54 north to the north line of Hendryx - north of Kellogg, east of 151st Street West. (472-82904/764944 /490596) Contractor to provide access to businesses and street intersections. City Council approval date: 2/10/98. (District V)

Kansas Paving Company - \$157,768.50

Knight moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Butterfly Valves and Dismantling Joints (183533)

Henry Pratt Co., c/o H * E Engineered Equipment Co. - \$29,074.00 (total net bid plus applicable sales tax)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Foaming Root Control Herbicide (184804)

Arrigation Engineering - \$74,700.00 (total net bid/2.1%-10)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Sand, Gravel, Rock, Mud Balls, Top Soil and Fill Dirt (Various)

Vic's Sand, Gravel & Equipment -	\$ 2.65* (fill sand/Item #1/per ton)
	\$ 0.95 (fill sand/Item #2/per ton)
Central Sand Company, Inc.	\$ 3.90 (mason sand/Item #3/per ton)
	\$ 1.75 (mason sand/Item #4/per ton)
	\$ 4.22 (road gravel/Item #5/per ton)
	\$ 2.18 (road gravel/Item #6/per ton)
Ritchie Sand Inc. -	\$13.64** (pea gravel/Item #7/per ton-washed)
Central Sand Company, Inc. -	\$ 4.75 (pea gravel/Item #8/per ton-unwashed)
Ritchie Sand, Inc.-	\$11.00** (pea gravel/Item #9/per ton-washed)
Central Sand Company, Inc. -	\$ 2.75 (pea gravel/Item #10/per ton unwashed)
Central Trucking LLC -	\$ 6.37 (limestone rock ab-3/Item #11/per ton)
Central Sand Company, Inc. -	\$ 4.25 (mud balls/Item #13/per ton)
	\$ 2.00 (mud balls/Item #14/per ton)
Central Trucking LLC -	\$13.77 (crushed limestone/Item #15 per ton)
Central Sand Company Inc. -	\$ 8.00 (top soil/Item #17/per ton)
	\$ 5.50 (top soil/Item #18/per ton)
	\$ 4.50 (fill dirt/Item #19/per ton)
	\$ 2.00 (fill dirt/Item #20/per ton)
	\$40.00 minimum on delivery*
	**3/8"-5/8" size

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Transportation of Biosolids (184754)

G.I. Hauling -	\$ 2.75 (Item #1/per ton)
	\$ 3.20 (Item #2/per ton)
	\$ 3.25 (Item #3/per ton)
	\$ 6.50 (Item #4/per ton/per mile)
	\$86.00 (Item #5/per hour)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 313

\$16.00 (Item #6/per hour)

LICENSE S

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal	1999	(Consumption on Premises)
Paul A. Miloni	Mama-Sans Japanese Restaurant*	3811 West 13th
Miguel Reyes	Rostizeria Los Reyes*	512 West 21st
Juvenal G. Fernandez	La Mexicana Restaurant*	408 West 21st
Renewal	1999	(Consumption off Premises)
Benjamin J. Schultz	T & E Oil Co., Inc. dba Pantry Plus #19	10304 West 13th
Benjamin J. Schultz	T & E Oil Co., Inc. dba Pantry Plus #20	223 South Maize Road

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS & SPECS

PLANS AND SPECIFICATIONS:

a. 1998 water main replacement program - northeast. (448-89200/634865/544141) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/6/98 (District I)

Motion -- Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of
-- carried Bids and Contracts by 10:00 a.m., June 4, 1999. Motion carried 7 to 0.

a. Meridian Avenue from 53.706 M north of north line of Maple to 53.439 M north of north line of Caroline and from 31.501 M south of south line of St. Louis to 5.287 M south of south line of St. Louis - north of Maple to south of Central. (87N-0080-01; 472-82740/706408/405194). City Council approval date: 9/15/98. (District VI)

Motion -- Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of
-- carried Bids and Contracts by 10:00 a.m., June 11, 1999. Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS.

a. Left Turn Lane on Washington Street to serve Perry's Addition (at Washington, south of Lincoln). 472-83037/765550/490661 Traffic to be maintained through construction. City Council approval date: 1/12/99. (District I)

Motion -- Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of
-- carried Bids and Contracts by 10:00 a.m., June 4, 1999. Motion carried 7 to 0.

a. Douglas, Main to Topeka, and Topeka, Douglas to William; and new water main in Douglas between Main and the east side of Topeka; and a new water main in Topeka between Douglas and William. 472-82655/448-88965/706473/636019 Traffic to be maintained through construction. City Council approval date: 5/20/97. (District IV)

Motion -- Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of
-- carried Bids and Contracts by 10:00 a.m., June 11, 1999. Motion carried 7 to 0.

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

a. 1999 sanitary sewer rehabilitation program, Phase C - north of 13th, east of Hydraulic and Bayley Street. (468-82992/620259/669384) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I) - \$149,351.46

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 314

- b. Lateral 21, Main 13, Southwest Interceptor Sewer to serve Hunters Ridge and Pawnee Mesa Additions - north of Pawnee, west of Maize. (468-82971/743795/480483) Does not affect existing traffic. City Council approval date: 3/30/99. (District V) - \$156,000.00
- c. Water distribution system to serve Hunters Ridge and Pawnee Mesa Additions - north of Pawnee, west of Maize. (448-89374/734922/470592) Does not affect existing traffic. City Council approval date: 3/30/99. (District V) - \$131,000.00
- d. Storm Water Sewer #501 to serve Prairie Woods Second Addition - north of Pawnee, west of Maize Road. (468-82824/751273/485164) Does not affect existing traffic. City Council approval date: 4/14/98. (District V) - \$39,000.00
- e. Stoney Point from the north line of Pawnee to the south line of Lot 12, Block 3; Westgate from the west line of Stoney Point to the south line of Haskell; Westgate Circle from the north line of Haskell to and including the cul-de-sac, serving Lots 1-18, Block 5; Haskell from the east line of Lark to the west line of Lot 22, Block 5; and Sidewalk on both sides of Haskell from the east line of Lark to the west line of Lot 22, Block 5 Prairie Woods Second Addition - north of Pawnee, west of Maize. (472-82934/765548 /490659) Does not affect existing traffic. City Council approval date: 4/14/98. (District V) - \$342,000.00
- f. 135th Street West from Maple to ½ mile south - along 135th Street West, south of Maple. (472-83062, 82461, 82840, 82841/765578, 765545, 765529, 765537/490689, 490656, 490654, 490655) 135th will be closed for construction. City Council approval date 1/26/99. (District V) - \$780,770.00
- g. Harborlight Street from the east line of Meridian to the south line of Lot 53, Block 2, and Harborlight Courts serving Lots 1 through 6, Lots 11 through 22, Lots 25 through 35, and Lots 38 through 44, Block 2 - east of Meridian, south of 53rd Street North; Harbor Isle Second Addition. (472-89251/765040/490606) Does not affect existing traffic. City Council approval date 5/19/98. (District VI) - \$650,000.00
- h. Storm Water Sewer #517 to serve Harbor Isle Second Addition - east of Meridian, south of 53rd Street North. (468-82916/751272/485163) Does not affect existing traffic. City Council approval date: 1/12/99. (District VI) - \$172,125.00

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

STATEMENTS OF COST STATEMENTS OF COST:

- a. Improving twenty-ninth Street North, Amidon to Arkansas (design). Total cost - \$107,640 (less idle fund interest - \$2,370; less financing previously issued - \$80,000; less local sales tax funds transferred -\$25,270). Financing to be issued at this time - \$0. (706309/472-82647/405-184).
- b. Improving East Bank street improvements. Total cost- \$2,285,250 (plus temporary financing costs - \$5,906; plus idle fund interest - \$44,744; less financing previously issued - \$2,288,000). Financing to be issued at this time - \$47,900. (706366/472-82628/405-190).
- c. Improving Tyler Road, 29th Street North to ½ Mile South of 29th Street North. Total cost -\$295,418 (plus temporary financing costs - \$5,036; less idle fund interest - \$554; less financing previously issued - \$264,200; less debt service funds transferred - \$12,000). Financing to be issued at this time - \$23,700. (706507/472-82788/405-204).
- d. Improving Meridian, I-235 to north City limits (design). Total cost - \$75,000 (plus idle fund interest \$911; plus temporary financing costs - \$1,189; less financing previously issued - \$59,000). Financing to be issued at this time - \$18,100. (706531/472-82789/405-207).
- e. Improving 1998/1999 arterial sidewalk/wheelchair access ramp program. Total cost - \$400,000 (plus idle fund interest - \$3,700; less financing previously issued - \$400,000). Financing to be issued at this time - \$3,700. (706697/472-82931/405-223/208-223).
- f. Improving 17th Street Bridge over the Wichita Drainage Canal. Total cost - \$247,302 (plus idle fund interest - \$3,498; less financing previously issued - \$250,000). Financing to be issued at this time - \$800. (715235/472-82329/415-037).

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 315

- g. Improving 31st Street Bridge over the Kansas Turnpike. Total cost - \$306,817 (plus idle fund interest - \$8,583; less financing previously issued - \$305,000). Financing to be issued at this time - \$10,400. (715268/472-82372/415-040).
- h. Improving 11th Street Bridge over the Little Arkansas. Total cost - \$258,841 (plus idle fund interest - \$5,075; less financing previously issued - \$263,916). Financing to be issued at this time - \$0. (715318/472-82501/415-045).
- i. Improving 25th Street Bridge at Chisholm Creek (design). Total cost - \$23,101 (plus idle fund interest - \$339; less financing previously issued - \$15,000). Financing to be issued at this time - \$8,500. (715359/472-82578/415-049).
- j. Improving Murdock Bridge over the Wichita Drainage Canal (design) - Total cost - \$24,723 (plus temporary financing costs - \$577; less idle fund interests - \$200; less financing previously issued - \$12,000; less debt service funds transferred - \$9,600). Financing to be issued at this time - \$3,500. (715441/472-82784/415-058).
- k. Improving 1998 park bikeway systems. Total cost - \$50,000 (plus idle fund interest - \$1,300; less financing previously issued - \$0). Financing to be issued at this time - \$51,300. (785808/472-82925/440-112/208-112).
- l. Improving MacDonald Golf Course Park - lot improvements. Total cost - \$96,880 (plus idle fund interest - \$1,420; plus temporary financing costs - \$1,500; less financing previously issued - \$0). Financing to be issued at this time - \$99,800. (696054/N.A./516-006).
- m. Facilities master plan. Total cost - \$82,966 (less idle fund interest - \$1,406; plus temporary financing costs - \$2,681; less financing previously issued - \$11,241; less other revenue - \$70,000). Financing to be issued at this time - \$3,000. (785626/N.A./440-094).
- n. Swimming pool improvements. Total cost - \$100,000 (plus idle fund interest - \$3,090; plus temporary financing costs - \$1,100; less financing previously issued - \$72,369; less other revenue - \$27,631). Financing to be issued at this time - \$4,200. (785568/N.A./440-087).

Motion -- carried

Knight moved that the Statements of Cost be approved and filed. Motion carried 7 to 0.

PARTIAL STATEMENTS OF COST:

- a. (Fifth Partial) estimate of cost for improving Murdock, Waco to Wabash - \$4,324,687 less local sales tax funds transferred - \$1,948,687; less financing previously issued - \$1,330,000. Financing to be issued at this time - \$1,046,000. (706002/472-82473/405-154).
- b. (Third Partial) estimate of cost for improving Maize Road, from 13th to 21st Streets North - \$325,000 less financing previously issued - \$309,000. Financing to be issued at this time - \$16,000. (706200/472-82601/405-174).
- c. (Fourth Partial) estimate of cost for improving Greenwich Road, Kellogg to Central - \$825,000 less local sales tax funds transferred - \$705,000; less financing previously issued - \$38,000. Financing to be issued at this time - \$82,000. (706390/472-82738/405-193).
- d. (Fourth Partial) estimate of cost for improving Meridian, Maple to Central - \$522,000 less local sales tax funds transferred - \$30,000; less financing previously issued - \$62,000. Financing to be issued at this time - \$430,000. (706408/472-82740/405-194).
- e. (Fourth Partial) estimate of cost for improving Broadway, Douglas to Central - \$1,890,000 less local sales tax funds transferred - \$961,425; less financing previously issued - \$653,575. Financing to be issued at this time - \$275,000. (706481/472-82181/405-202).
- f. (Second Partial) estimate of cost for improving 21st Street North, Hood to Broadway (design) - \$33,500 less financing previously issued - \$23,500. Financing to be issued at this time - \$10,000. (706515/472-82783/405-205).
- g. (Fourth Partial) estimate of cost for improving Central, Oliver to Woodlawn (design) - \$102,000 less local sales tax funds transferred - \$50,000; less financing previously issued - \$42,000. Financing to be issued at this time - \$10,000. (706549/472-82786/405-208).

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 316

- h. (Second Partial) estimate of cost for improving Arkansas Riverbank - \$620,000 less financing previously issued - \$500,000. Financing to be issued at this time - \$120,000. (706556/472-82799/405-209)
- i. (Fourth Partial) estimate of cost for improving West Street, Central Avenue to Zoo Boulevard (South of 13th Street North) - \$1,300,000 less local sales tax funds transferred \$70,000; less financing previously issued - \$1,180,000. Financing to be issued at this time - \$50,000. (706564/472-82782/405-210).
- j. (Third Partial) estimate of cost for improving Seneca, Pawnee to Kellogg - \$1,261,000 less local sales tax funds transferred - \$40,000; less financing previously issued - \$1,046,000. Financing to be issued at this time - \$175,000. (706606/472-82847/405-214).
- k. (Third Partial) estimate of cost for improving Harry, Webb to Greenwich Road - \$75,000 less local sales tax funds transferred - \$50,000; less financing previously issued - \$17,600. Financing to be issued at this time - \$7,400. (706622/472-82883/405-216).
- l. (Second Partial) estimate of cost for improving 21st Street North, Webb Road to ½ Mile East of Webb Road - \$690,000 less local sales tax funds transferred - \$400,000. Financing to be issued at this time - \$290,000. (706655/472-82886/405-219).
- m. (Second Partial) estimate of cost for improving 1998-1999 intersection reconstruction program (Phase 1) - \$300,000 less financing previous issued - \$125,000. Financing to be issued at this time - \$175,000. (706663/472-82910/405-220/208-220).
- n. (First Partial) estimate of cost for improving 1998 street rehabilitation program - \$300,000 less financing previously issued - \$0. Financing to be issued at this time - \$300,000. (706671/472-82907/405-221).
- o. (Second Partial) estimate of cost for improving Central, West Street to McLean - \$800,000 less local sales tax funds transferred - \$20,000. Financing to be issued at this time - \$780,000. (706689/472-82906/405-222/208-222).
- p. (Second Partial) estimate of cost for improving arterial corridors: Central & Hillside, Central & Rock, Central & Ridge, 25th Street North- I-235 to West, 13th & Mosley, Rock Road- K-96 to 32nd Street North, 13th & Broadway, Pawnee & Washington - \$600,000 less local sales tax funds transferred - \$200,000. Financing to be issued at this time - \$400,000. (706705/472-82932/405-224/208-224).
- q. (First Partial) estimate of cost for improving Meridian, I-235 to the north City limits - \$500,000 less financing previously issued - \$0. Financing to be issued at this time - \$500,000. (706721/472-82957/405-226/208-226).
- r. (Second Partial) estimate of cost for improving Zoo Boulevard, 13th Street North to I-235 Freeway - \$2,100,000 less local sales tax funds transferred - \$125,000; less financing previously issued - \$875,000. Financing to be issued at this time - \$1,100,000. (706739/472-82945/405-227).
- s. (Second Partial) estimate of cost for improving Seneca Street, Douglas to McLean - \$75,000 less local sales tax funds transferred - \$25,000. Financing to be issued at this time - \$50,000. (706747/472-82966/405-228/208-228).
- t. (First Partial) estimate of cost for improving Central, I-235 to West Street - \$100,000 less financing previously issued - \$0. Financing to be issued at this time - \$100,000. (706762/472-83014/405-230/ 208-230).
- u. (First Partial) estimate of cost for improving 13th Street North, east of Rock Road - \$750,000 less financing previously issued - \$0. Financing to be issued at this time - \$750,000. (706770/472-83028/405-231/208-231).
- v. (First Partial) estimate of cost for improving Maple, Maize to 135th Street West (design) - \$125,000 less financing previously issued - \$0. Financing to be issued at this time - \$125,000. (706986/472-83053/208-251).
- w. (First Partial) estimate of cost for improving Webb, Pawnee to Harry (design) - \$75,000 less financing previously issued - \$0. Financing to be issued at this time - \$75,000. (706994/472-83054/208-252).
- x. (First Partial) estimate of cost for improving Pawnee, Rock Road to Webb Road (design) - \$70,000 less financing previously issued - \$0. Financing to be issued at this time - \$70,000. (707000/472-83055/208-253).

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 317

- y. (Second Partial) estimate of cost for improving 1998 traffic signalization program - \$155,000 less financing previously issued - \$125,000. Financing to be issued at this time - \$30,000. (710210/472-82858/410-072).
- z. (Fifth Partial) estimate of cost for improving Broadway (John Mack) Bridge over the Arkansas River - \$1,309,000 less local sales tax funds transferred - \$426,845; less financing previously issued - \$872,155. Financing to be issued at this time - \$10,000. (715250/472-82375/415-039).
- aa. (Second Partial) estimate of cost for improving Eastern Bridge over Gypsum Creek (design) - \$27,000 less financing previously issued - \$15,000. Financing to be issued at this time - \$12,000. (715342/472-82577/415-048).
- bb. (Second Partial) estimate of cost for improving Mount Vernon Bridge over Gypsum Creek - \$32,000 less financing previously issued \$15,000. Financing to be issued at this time - \$17,000. (715367/472-82576/415-050).
- cc. (Second Partial) estimate of cost for improving Maple/Lewis Street Bridge over the Arkansas River - \$4,800,000 less local sales tax funds transferred - \$2,550,000; less financing previously issued - \$2,000,000. Financing to be issued at this time - \$250,000. (715433/472-82720/415-057).
- dd. (Third Partial) estimate of cost for improving South Broadway Viaduct - \$1,362,000 less financing previously issued - \$1,350,000. Financing to be issued at this time - \$12,000. (715474/472-82828/415-061).
- ee. (Second Partial) estimate of cost for improving Douglas Avenue Bridge over the Arkansas River - \$4,100,000 less financing previously issued - \$1,500,000. Financing to be issued at this time - \$2,600,000. (715482/472-82721/415-062).
- ff. (Second Partial) estimate of cost for improving Mt. Vernon Bridge over Gypsum Creek - \$150,000 less financing previously issued - \$100,000. Financing to be issued at this time - \$50,000. (715490/472-82902/415-063/248-063).
- gg. (First Partial) estimate of cost for improving 11th Street Bridge (design) - \$35,000 less financing previously issued - \$0. Financing to be issued at this time - \$35,000. (715615/472-83040/415-091/248-091).
- hh. (First Partial) estimate of cost for improving 55th Street Bridge at the Big Slough (design) - \$22,000 less financing previously issued - \$0. Financing to be issued at this time - \$22,000. (715623/472-83041/415-092/248-092).
- ii. (First Partial) estimate of cost for improving Lincoln Street Bridge at Dry Creek (design) - \$32,000 less financing previously issued - \$0. Financing to be issued at this time - \$32,000. (715649/472-83043/415-094/248-094).
- jj. (First Partial) estimate of cost for improving Lincoln Bridge at Fabrique (design) - \$32,000 less financing previously issued - \$0. Financing to be issued at this time - \$32,000. (715656/472-83044/248-095).
- kk. (First Partial) estimate of cost for improving Pawnee Bridge at Dry Creek (design) - \$10,000 less financing previously issued - \$0. Financing to be issued at this time - \$10,000. (715664/472-83055/248-096).
- ll. (First Partial) estimate of cost for improving 33rd Street Bridge at West Drain (design) - \$37,000 less financing previously issued - \$0. Financing to be issued at this time - \$37,000. (715672/472-83046/248-097).
- mm. (Second Partial) estimate of cost for improving East Bank Water Walk (core area) - \$4,300,000 less financing previously issued - \$4,100,000. Financing to be issued at this time - \$200,000. (791467/N.A./435-175).
- nn. (First Partial) estimate of cost for improving 1999 park capital improvement program (21st Street Bikepath from Ridge to Maize) - \$50,000 less financing previously issued - \$0. Financing to be issued at this time - \$50,000. (785840/472-82967/440-116).
- oo. (Second Partial) estimate of cost for the fire suppression system - \$250,000 less financing previously issued - \$25,000. Financing to be issued at this time - \$225,000. (791269/N.A./435-155).
- pp. (First Partial) estimate of cost for the Lawrence Dumont Stadium improvements - \$700,000 less financing previously issued - \$0. Financing to be issued at this time - \$700,000. (792051/N.A./358-234).

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 318

qq. (First Partial) estimate of cost for fire apparatus replacement - \$420,000 less financing previously issued - \$0. Financing to be issued at this time - \$420,000. (792085/N.A./358-237).

rr. (First Partial) estimate of cost for the fire facility repair - \$80,000 less financing previously issued - \$0. Financing to be issued at this time - \$80,000. (792093/N.A./358-238).

ss. (Fourth Partial) estimate of cost for park land acquisition - \$155,433 less financing previously issued - \$135,433. Financing to be issued at this time - \$20,000. (785444/N.A./440-075).

tt. (Second Partial) estimate of cost for the South Lakes Park - \$1,050,000 less financing previously issued - \$553,000; less other revenues - \$250,000. Financing to be issued at this time - \$247,000. (785576/N.A./440-088)

uu. (Second Partial) estimate of cost for site improvements - \$86,110 less financing previously issued - \$77,910. Financing to be issued at this time - \$8,200. (785592/N.A./440-090).

vv. (First Partial) estimate of cost for Chisholm Creek Park - \$105,000 less financing previously issued - \$0. Financing to be issued at this time - \$105,000. (785758/N.A./440-107).

ww. (Second Partial) estimate of cost for South Lakes Park improvements - \$150,000 less financing previously issued - \$50,000. Financing to be issued at this time - \$100,000. (785766/N.A./440-108).

xx. (First Partial) estimate of cost for tennis court rehabilitation - \$75,000 less financing previously issued - \$0. Financing to be issued at this time - \$75,000. (785774/N.A./440-109).

yy. (First Partial) estimate of cost for sidewalk repair (1998) - \$10,500 less financing previously issued - \$0. Financing to be issued at this time - \$10,500. (785816/N.A./440-113).

zz. (First Partial) estimate of cost for improvements to Watson Park - \$25,000 less financing previously issued - \$0. Financing to be issued at this time - \$25,000. (785824/N.A./398-114).

aaa. (Second Partial) estimate of cost for the Fire Station #18 - \$888,694 less financing previously issued - \$822,180. Financing to be issued at this time - \$67,594. (791673/N.A./435-196).

Motion -- carried

Knight moved that the partial Statements of Cost be approved and filed. Motion carried 7 to 0.

PETITIONS

PETITIONS FOR PUBLIC IMPROVEMENTS:

CONSTRUCT A SANITARY SEWER TO SERVE CELLULARONE ADDITION – NORTH OF MURDOCK, EAST OF MATHEWSON. (District I)

Agenda Report No.99-470.

The Petition has been signed by one owner representing 100% of the improvement district.

This project will provide sanitary sewer service to a new office building.

The estimated project cost is \$6,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-169

Resolution of findings of advisability and Resolution authorizing construction of Lateral 50, Sanitary Sewer No. 20 (north of Murdock, east of Mathewson) Project No. 468-82985) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CONSTRUCT A LEFT-TURN LANE TO SERVE HALLOCK ADDITION – WEST SIDE OF MERIDIAN, SOUTH OF 42ND STREET NORTH. (DISTRICT VI)

Agenda Report No.99-471.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 319

The Petition has been signed by three owners representing 100% of the improvement district.

These improvements will serve a church building. The work will be done as part of the Meridian improvement, from I-235 to the North City Limits.

The estimated project cost is \$7,500. The funding source is special assessments.

Motion-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-170

Resolution of findings of advisability and Resolution authorizing improving of a left turn lane and a decel lane on Meridian to serve Lot 1, Block A, Hallock Addition Project No. 472-83105 (west of Meridian, south of 42nd Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

CPO Northeast Council 1, 5-10-99
CPO East Council 2, 5-10-99
CPO Southeast Council 3, 5-13-99
CPO Southwest Council 4, 5-13-99
CPO Northwest Council 5, 5-12-99
CPO North Central Council 6, 5-12-99
Metropolitan Area Planning Commission (MAPC), 3-11-99
Metropolitan Area Planning Commission (MAPC), 3-25-99
Police and Fire Retirement System, 3-24-99
Wichita Airport Authority, 4-5-99
Wichita Historic Preservation, 4-12-99
Wichita-Sedgwick County Alcohol and Drug Abuse Advisory Board, 4-21-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 99-516.

The Burlington Northern/Santa Fe Railroad crossing in 37th Street North, east of Santa Fe Street is in need of repair due to the deterioration of the crossing material. The Railroad has tentatively scheduled the reconstruction of this crossing May 27-28, 1999. The two-day closure is requested to allow the removal and replacement of the track structure across 37th Street North and the installation of rubber crossing material.

The Railroad is responsible for the construction signs and barricades and the signing of the detour route. The Railroad is also required to notify the adjacent businesses concerning the closure.

Motion -- carried

Knight moved that the Street Closure be approved. Motion carried 7 to 0.

STREET CLOSURES OF 13TH STREET NORTH, WEST OF ZOO BOULEVARD AND THE SOUTHBOUND I-235 RAMPS AT THE ZOO BOULEVARD INTERCHANGE. (District VI)

Agenda Report No. 99-517.

Ritchie Paving is completing the reconstruction of the east half of the 13th Street and Zoo Boulevard intersection and expects to reopen 13th Street, east of Zoo Boulevard on Tuesday, June 1, 1999. After shifting the traffic to the new pavement on the east half of Zoo Boulevard, the Contractor will close the west half of the 13th and Zoo Boulevard intersection. The connection of Dougherty Street at the south side of 13th Street will also be closed at this time (June 1st). The Contractor is requesting this closure, as is allowed by the Contract specifications. The closure of 13th Street, west of Zoo will be from approximately 11:00 A.M., Tuesday, June 1, 1999 through Tuesday July 20, 1999. The closure of Dougherty at 13th will be a permanent closure as previously approved by the City Council.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 320

The Contractor is also requesting approval of the Closure of the southbound I-235 on/off ramps from approximately 8:30 a.m., Monday, June 7, 1999 through approximately August 7, 1999. This Closure is also allowed by the Contract specifications and will allow the ramp reconstruction during the reconstruction of the west side of Zoo Blvd.

Access to 13th Street, west of Zoo Boulevard, will be available using 12th and Baker Streets. A message board will be placed near the 13th and Zoo Boulevard intersection to advise motorists of the upcoming Closure approximately 7 days in advance of the Closure. The Contractor is responsible for necessary Closure barricades and construction signing.

Access to southbound I-235 during the ramp Closure will be I-235 northbound to the 25th Street interchange. Access to Zoo Blvd. from I-235 southbound will be to the Central Street interchange and back to Zoo Blvd. using northbound I-235. A message board will be placed near the I-235 southbound ramps to advise motorists of the upcoming Closure approximately 7 days in advance of the Closure.

Motion -- carried

Knight moved that the Street Closures be approved. Motion carried 7 to 0.

SPECIAL EVENTS

Agenda Report No. 99-518.

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

- 1) Century II Birthday Bash
May 29th from 2 p.m.- 10 p.m.
Close Douglas, from Waco to Water Street
- 2) Nike Wichita Open
July 21 - 25 from 7 a.m. - 7 p.m.
Restrict access to Mulberry by making it one way from Rock Road to Tara Circle
- 3) Kansas Special Olympics Summer Games Fire Works Display
June 4 for 10 minutes (anywhere between 8:45 - 9:30 p.m. -depending on when Torch Run ends)
Close 21st Street North, from Yale to Hillside
- 4) Kansas Law Enforcement Torch Run
June 4, from 6:30 - 8:30 p.m.
Close Main Street, from Central to Third

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

-- carried

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED - APRIL 1999:

Name of Claimant	Amount
W. C. Pearce	\$134.29
Sheryl Marley	\$ 50.00
Darren L. Battershell	\$233.99
SW Bell	\$183.17
Barbara A. Gallegos	\$102.70
GAB Robins/Utilicorp	\$260.00
Kansas Gas Service	\$482.79
Ricky N. Smith	\$341.32

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 321

Gery M. Fisher \$750.00*
*Filed originally for a larger amount.

Motion --carried Knight moved that the Report be received and filed. Motion carried 7 to 0.

WEAPONS

WEAPONS DESTRUCTION.

Agenda Report No. 99-472.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided and includes a total of 103 hand guns and 49 long guns. The destruction will be witnessed and monitored by staff.

Motion-- carried Knight moved that the list be received and filed. Motion carried 7 to 0.

29TH NORTH

AGREEMENT FOR 29TH STREET NORTH, FROM OLIVER TO WOODLAWN. (District I)

Agenda Report No. 99-473.

The 1999 Capital Improvement Program includes a project to upgrade 29th Street North from Oliver to Woodlawn (CIP No. MS-437), which was approved by the City Council on August 11, 1998.

The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared. The estimated construction start date is June 1999.

The project consists of widening 29th Street North to three lanes with two through lanes and a center two-way left turn lane.

The estimated project cost is \$1,350,000. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion -- carried Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HARRY STREET

HARRY STREET, FROM WEBB TO GREENWICH (District II)

Agenda Report No. 99-474.

The 1999 Capital Improvement Program includes a project to reconstruct Harry between Webb and Greenwich, which was approved by the City Council on April 20, 1999.

The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared. The estimated construction start date is July 1999.

The project consists of reconstructing Harry to four lanes, installing sidewalks on both sides of the street, and landscaping the available right-of-way. Construction is expected to begin in late summer and be completed in 2000.

The estimated project cost is \$2,400,000. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion -- carried Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 322

TRANSIT AUTHORITY WICHITA TRANSIT CONSTRUCTION SITE SOILS DISPOSAL. (District I)

Agenda Report No. 99-475.

Aproximately 10,000 tons (7,000 cubic yards) of heavy oil range total petroleum hydrocarbons (TPH) impacted soil excavated during the Bus Barn construction have been stockpiled on the construction site at 777 East Waterman. The concentrations of TPH detected in the stockpiled soils are at a level Kansas Department of Environment (KDHE) regulates (>100 mg/kg). No other contaminants were detected above regulatory limits. The TPH is bound up in the soil resulting in a very immobile contaminant. Additionally, heavy oil range TPH naturally degrades when exposed to the elements. Therefore, land farming operations can be used to reduce the heavy oil range TPH concentrations to below 100 mg/kg.

Camp Dresser & McKee Inc. recommends a local land farming operation. This would entail transporting the excess soils to the Public Works Northeast Maintenance Substation. The land farming project would be conducted in accordance with the KDHE Bureau of Waste Management (BWM) Land farming Program in accordance with the Solid waste and Hazardous Waste exemption from Permit Requirements (K.S.A. 65-3407c). Land farming operation and closure plans written specifically for this project would be submitted to KDHE for approval. Under the conditions specified in the plans, the soils would be hauled by truck to the northeast substation. Loading and hauling of the soils from the construction site to the northeast substation would be formally bid. The Department of Public Works, Maintenance Division would conduct the actual land farming operations.

Camp Dresser & McKee Inc. will provide environmental engineering and consulting services to support the Public Works Department in conducting the land farming operation. Their services will include the following:

1. Prepare the land farming operation and closure plans for submittal to KDHE, BWM for approval. Coordinate with KDHE BWM to secure permits for the City to operate a land farm to remediate TPH impacted soils.
2. Prepare technical specifications for the proper handling and transportation of the soils to the land farming site for inclusion into a City prepared bidding package.
3. Conduct the closure sampling and reporting as specified in the closure plans to secure KDHE BWM acceptance

The total cost to perform these services is fifteen thousand three hundred dollars (\$15,300).

The City's matching funds in the amount of \$1.5 million, financed from General Obligation Bonds will provide the funding of the \$15,300.

Motion -- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CENTURY II

CENTURY II AIR HANDLER RENOVATION. (District VI)

Agenda Report No. 99-476.

Beginning in 1995, Professional Engineering Consultants (PEC) has been involved in improvements to various sections of the heating and cooling equipment at Century II and Expo Hall. The work done to-date includes renovation of the Century II / Library energy plant, which provides heated and chilled water to Century II and the Library, and heated water to Expo Hall. PEC has also designed improvements for the cooling system at Expo Hall, with the work to begin soon.

Several areas in Century II do not receive adequate quantities of air delivery. The Air Handler system in Century II is essentially the same design as it was more than 30-years ago. In addition to being very old and wearing out, technology has changed dramatically in the past 30-years which can provide more energy efficient delivery of heating, cooling and ventilation. In 1998, Public Works engaged PEC through a minor contract to study and design some renovative work to two of the air handlers which serve Concert Hall. These air handlers were modified using PEC's designs at a cost of \$45,000. Work was successful. Public Works is now embarking on a project which is budgeted at \$234,000 to complete air handler modifications and to improve air circulation and delivery of heating, cooling and ventilation throughout Century II. Some of the modifications may include minor structural changes.

PEC proposed to provide all of their services for a fee not to exceed \$17,340.00. PEC is very familiar with all of the mechanical equipment in Century II and have a successful track record on modifications to these systems.

Funds in the amount of \$234,000 are budgeted in the General Fund for this project.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 323

Motion -- carried Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AUBURN HILLS GOLF UTILITY ENCROACHMENT PERMIT, AUBURN HILLS GOLF COURSE. (District V)

Agenda Report No. 99-477.

The Auburn Hills Golf Course is being constructed along both sides of 135th Street West between Kellogg and Maple. Koch Pipeline Company has an easement across a portion of the Golf Course.

Encroachment permits have been prepared to allow the City to extend carpaths, waterlines, and electric lines across the Koch easement.

There is no cost for the permit agreements.

Motion -- carried Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CONSTR OVER ESMNT EASEMENT ENCROACHMENT - 2301 S. WATER. (District III)

Agenda Report No. 99-478.

The agreement allows Envision, Inc., to occupy and construct for 2301 S. Water improvements on, over and across the aforesaid public easement described as 12 feet in width on the west side, and 10 feet in width on the north side of Lot 1, Envision Addition, Wichita, Sedgwick County, Kansas, and waives all rights of action in law arising out of the encroachment into the easement. The street address for the encroachment agreement is 2301 S. Water. The improvement is to be on the west side of said lot and the north side of said lot for the construction of a concrete masonry screening fence.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within this easement and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion -- carried Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CONSTR. OVER ESMT. EASEMENT ENCROACHMENT - 11341 SHERIAC. (District V)

Agenda Report No. 99-479.

The agreement allows Jack E. Jackson to occupy and construct for 11341 Sheriac improvements on, over and across the aforesaid public easement described as 10 feet in width, along the south side of Lot 8, Block 11, Westlink Village 18th Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The street address for the encroachment agreement is 11341 Sheriac. The improvement is to be for 12 feet west from the middle of the north 8 feet of said utility easement for the construction of an 8' x 12' tool shed.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion -- carried Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RAILROAD GRADES DESIGN SERVICES AND CITY/STATE RAILROAD GRADE SEPARATIONS. (Districts III and VI)

Agenda Report No. 99-480.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 324

On June 24, 1998, the City of Wichita and Sedgwick County entered into a Memorandum of Understanding (MOU) with the Union Pacific Railroad (UP). The MOU provides that UP will make funds available to upgrade its tracks through Wichita/Sedgwick County.

The Transportation Equity Act for the 21st Century (TEA-21) also provides funding for street/railroad grade separation projects in Wichita.

On October 13, 1998, the City Council authorized the Staff Screening & Selection Committee to solicit design services and negotiate contracts for four (4) grade separation projects and a Master Consultant, who will coordinate the City's design projects with the Railroad Companies and State/Federal agencies and supervise project design.

The initial phase of design will result in 30% plans. These plans will estimate costs, identify right-of-way and access requirements/impacts, and address the Railroad Companies' operational issues. Following a review of the 30% plans, construction priorities/sequences can be determined by the City Council.

The Contracts that have been negotiated for design services are tabulated as follows:

Grade Separation Project	Consultant	Contract Upper Limit
Master Consultant	TranSystems	\$1,209,350
Central Corridor, from Douglas to 18th HNTB		\$1,554,700
Pawnee/UP between Broadway and Washington	HDR	\$422,785
Pawnee/BNSF @ Southeast Blvd.	TranSystems	\$439,975
21st Street/UP & BNSF between Broadway & I-135	MKEC	\$361,113

The City will make payments to design Consultants, and will be reimbursed from funds provided by UP and TEA-21.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorize; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-171

A Resolution finding it necessary to make certain improvements at the intersection of the Union Pacific Railroad and Pawnee Avenue, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-172

A Resolution finding it necessary to make certain improvements at the intersection of the Burlington Northern Santa Fe Railroad and Pawnee Avenue, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-173

A Resolution finding it necessary to make certain grade separation improvements to the Union Pacific Railroad and streets between Douglas Street and 19th Street North and the realignment of the Burlington Northern Santa Fe tracks between 17th Street North and 29th Street North, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-174

A Resolution finding it necessary to make certain improvements at the intersection of the Union Pacific Railroad and 21st Street North and at the intersection of the Burlington Northern Santa Fe Railroad and 21st Street North, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-175

A Resolution finding it necessary to make certain improvements at the intersection of the Union Pacific Railroad and Pawnee Avenue, the intersection of the Burlington Northern Santa Fe Railroad and Pawnee Avenue; the Union Pacific Railroad and Streets between Douglas Street and 19th Street North and the realignment of the Burlington Northern Santa Fe Tracks between 17th Street North and 29th Street North and; the intersection of the Union Pacific Railroad and 21st Street North and at the intersection of the Burlington Northern Santa Fe Railroad and 21st

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 325

Street North, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SEDGWICK COUNTY

SEDGWICK COUNTY DEPARTMENT ON AGING AND CITY NEIGHBORHOOD IMPROVEMENT SERVICES.

Agenda Report No. 99-481.

Neighborhood Improvement Services (NIS) receives calls on a daily basis from low income, elderly home owners who are experiencing housing problems but who live outside the LIA and cannot afford to hire a contractor to make the necessary repairs.

The contract will establish a mechanism for the Department on Aging and NIS to provide financial assistance using the County's mill levy dollars to resolve emergency situations affecting the health and/or safety of low income elderly households, outside the LIA, but within the City limits of Wichita. The mill levy funds will also be utilized as leverage to the City of Wichita's CDBG and HOME Emergency and Deferred Loan rehabilitation projects located within designed LIAs.

Project management fees will be a maximum of \$50 for each project located outside of an LIA. The project fees will be invoiced by the City and paid by the County on a monthly basis.

Motion -- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

MUNICIPAL COURT

SELECTION OF CONSULTANT FOR COMPREHENSIVE REVIEW OF MUNICIPAL COURT OPERATIONS.

Agenda Report No. 99-482.

The City of Wichita requested proposals from qualified businesses to carry out a comprehensive organizational review of the Municipal Court operations. The need for increased efficiencies of operations is necessary to adequately address the expansion of the Municipal Court's caseload.

Municipal Court received three proposals for evaluating Municipal Court operations. The consultants were asked to perform a comprehensive organizational review of the Court, Probation, Judicial and Warrant Divisions as well as Municipal Court programs. As part of the work product, the consultants were asked to identify products and practices to improve Court efficiencies and customer service. Management Partners was selected because of the detailed list of tasks they would perform to assess Municipal Court operations; their ability to work extensively on site; and for their extensive court work in the Sedgwick County and the Kansas area (District Court).

The bids submitted were from Management Partners for \$57,065; The National Center for State Courts for \$30,500; and from Justice Served for \$107,766. Management Partners was selected because its final work product more closely mirrored the requirements for workflow, evaluation as defined by the Municipal Court; and included more on-site staff time (versus the low bidder's work product which proposed a survey approach).

Municipal Court has available \$69,000 from the CCP Phase IIB Grant. Management Partner's bid is for \$57,065 which is available from this budget.

Motion -- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ADDENDUM ITEM 22k DISCOVERY

SUMMER OF DISCOVERY - MEAL PROGRAM.

Agenda Report No. 99-515.

The City Council approved the comprehensive Citywide youth program, the Summer of Discovery, on February 2, 1999. The Summer of Discovery will be licensed by the Kansas Department of Health and Environment (KDHE) because it is an all-day school-aged child care program. The Summer of Discovery program will operate from 7:00

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 326

a.m. to 6:00 p.m. (11 hours a day). KDHE requires that two snack meals be provided for a program of this duration.

With KDHE licensing, the Summer of Discovery food program is eligible for reimbursement of food expenditures for children whose households meet certain guidelines. A majority of the registered participants meet the guidelines for reimbursement as set out by the Kansas State Department of Education (KSDE). The agreement with KSDE will enable the program to meet KDHE license requirements and to provide quality snacks at a significant cost savings. Establishing this agreement with KSDE now will enable the program to accommodate more children in future years and may aid in keeping participant fees to current levels.

Based upon 100 children at 10 locations (total 1,000 youth) the proposed snack program will cost approximately \$60,000 for the entire summer. Through the agreement with KSDE, the City will be reimbursed for the cost of snacks for eligible participants.

The City entered into a licensing agreement with the Kansas Department of Health and Environment (KDHE). With licensing, the Summer of Discovery Program qualifies for the Kansas State Department of Education (KSDE) Child and Adult Care Food Program for reimbursement. The program agreement is approved as to form.

Motion --
-- carried

Knight moved that the Child and Adult Care Food Program provider agreements with the Kansas State Department of Education be approved and the necessary signatures be authorized. Motion carried 7 to 0.

55TH ST. BRIDGE

55TH STREET BRIDGE AT BIG SLOUGH. (District IV)

Agenda Report No. 99-483.

On January 12, 1999, the City Council approved an Agreement with Cook, Flatt & Strobel Engineers, P.A. to design the 55th Street Bridge at the Big Slough (CIP #B-9602).

The proposed Supplemental Agreement between the City and Cook, Flatt & Strobel provides for engineering services to design alterations or replacement of the twelve-inch water line in 55th Street crossing the Big Slough.

Payment to Cook, Flatt & Strobel for Supplemental Agreement will be made on a lump sum basis of \$5,000 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LINCOLN BRIDGE

LINCOLN BRIDGE AT DRY CREEK. (Districts II and III)

Agenda Report No. 99-484.

On January 12, 1999, the City Council approved an Agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) to design the Lincoln Bridge at Dry Creek (CIP #B-9615).

The proposed Supplemental Agreement between the City and MKEC provides for engineering services to design a replacement of the twelve-inch water line in Lincoln crossing Dry Creek.

Payment to MKEC for Supplemental Agreement will be made on a lump sum basis of \$3,830 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

MAPLE AND SENECA

MAPLE AND SENECA. (District IV)

Agenda Report No. 99-485.

The Kansas Department of Transportation (KDOT) authorized an expenditure of Federal safety funds to fund improvements to the immediate intersection area to add left turn lanes on all four approaches. Because Seneca at Kellogg and at Douglas had previously been widened to five lanes wide and because the City's Transportation Plan showed Seneca to be five lanes wide through this area, staff recommended that the Federally funded intersection

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 327

safety project be expanded to reconstruct not only the immediate intersection area, but the entire section of Seneca from just north of Kellogg to just south of Douglas. On October 15, 1996, the City Council approved an Agreement with Municipal Engineers, P.A. to design the proposed Seneca and intersection improvements. As the design progressed, the Council approved a Supplemental Agreement with Municipal to prepare plans for water line replacement work within the project area.

On August 18, 1998, the City Council approved a design Contract with Mid-Kansas Engineering Consultants (MKEC) to develop a design and aesthetic concept for the section of Seneca from Kellogg to McLean and to develop construction plans for the section from south of Douglas to McLean. MKEC developed several concepts which were presented to various public and private groups. The concepts were presented to the City Council on November 3, 1998, at which time the Council approved a design concept that incorporated a landscaped median in the section from University to south of Maple and a four lane section from north of Maple to south of Douglas and from north of Douglas to south of McLean. The concept plan also included aesthetic elements along the roadway and in the intersection crosswalk areas to identify Seneca as the corridor street to the Museum District.

To comply with the Seneca design concept, the previous plans prepared by Municipal need to be revised. A Supplemental Agreement has been prepared.

- Add the center median south of Maple
- Stop the project about 200 feet north of Maple
- Change the pavement type from asphalt to concrete
- Add concrete powers in the crosswalk areas
- Remove landscaping that will be installed with the project that MKEC is designing
- Add underground conduit and concrete footings for street lighting

Payment to Municipal Engineers for Supplemental Agreement Number 2 will be made on a lump sum basis of \$17,200 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LINDSAY'S ORCHARD

STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR LINDSAY'S ORCHARD ADDITION – NORTH OF PAWNEE, WEST OF MAIZE. (District V)

Agenda Report No. 99-486.

The City Council approved the Lindsay's Orchard Addition plat on January 12, 1999. On March 30, 1999, the City approved an Agreement with Savoy, Ruggles and Bohm, P.A. (SRB) to design the improvements. The Design Agreement with SRB requires SRB to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and SRB provides for the staking and construction engineering services for the improvements in Lindsay's Orchard Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$34,260, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BELLE TERRE

STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR BELLE TERRE SOUTH – SOUTH OF KELLOGG, WEST OF 159TH STREET EAST. (District II)

Agenda Report No. 99-487.

The City Council approved the Belle Terre South plat on July 22, 1997. On March 30, 1999, the City approved an Agreement with Professional Engineering Consultants (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for the staking and construction engineering services for the improvements in Belle Terre South. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 328

Payment will be on a lump sum basis of \$17,040, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HARRY STREET

HARRY STREET FROM WEBB TO GREENWICH. (District II)

Agenda Report No. 99-488.

The City Council approved the Belle Terre South plat on July 22, 1997. On March 30, 1999, the City approved an Agreement with Professional Engineering Consultants (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for the staking and construction engineering services for the improvements in Belle Terre South. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$17,040, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LINCOLN

LINCOLN AND WOODLAWN INTERSECTION. (Districts II and III)

Agenda Report No. 99-489.

On March 25, 1997, the City Council approved an Agreement with the Kansas Department of Transportation (KDOT) for the City to provide the construction engineering services for the Lincoln and Woodlawn intersection, and for KDOT to reimburse the City for 80% of the cost with an upper limit of \$49,039.66.

At completion of the project, it was discovered that more time was required than figured in the original estimate. The City had to provide additional inspection services for 20 days that were not anticipated when the initial Agreement was prepared.

KDOT has agreed to increase the upper limit of compensation to \$55,965.72 to reimburse the City for the additional work. The Supplemental Agreement has been prepared.

Motion --
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HEART THOUGHTS

PURCHASE OPTION – HEART THOUGHTS IRB. (District II)

Agenda Report No. 99-490.

On March 1, 1979, the Wichita City Council approved the issuance of \$650,000 in Industrial Revenue Bonds, Series LXXXVI 1979, to finance construction costs and new machinery related to the expansion project. Heart Thoughts, Inc. has notified the City that the bonds have been fully paid and that they wish to exercise the purchase option under the bond issue.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for the bond series, the Tenant, has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City received a check in the sum of \$100 from Heart Thoughts, representing the purchase price for the facility.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 329

Motion --carried

Knight moved that the documents be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-176

A Resolution of the City of Wichita, Kansas, authorizing the City to convey title to the project; authorizing execution of a special warranty deed, bill of sale, and termination and release of lease; and authorizing the execution of all such other documents necessary to convey title to such property to heart thoughts, Inc., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

GRANT APP.

STATE STATISTICAL PROGRAMS GRANT APPLICATION.

Agenda Report No. 99-491.

The Bureau of Justice Statistics (BJS), U.S. Department of Justice, administers the State Statistical Programs grant program. Under this program, BJS has organized the implementation of a National Incident Based Reporting System (NIBRS) project. The purpose of the NIBRS project is to collect specific data on separate crime incidents. This differs from existing operations of compiling only summary statistics for reporting purposes. The Wichita Police Department, along with two (2) other police departments nationwide, has been chosen to pilot the NIBRS project which will begin in July.

To conform to NIBRS-project protocol, significant modifications to the WPD records management system are required. Three (3) phases are necessary to facilitate such modifications. Phase I will identify additional required data fields and prepare a design document to use as a reference for programmers and department staff during project implementation. Phase II will set in motion database and data entry screen modifications. Costs for phases I and II equal \$186,200. In phase III, NIBRS data will be compiled into an electronic file formatted per Kansas Bureau of Investigation guidelines and submitted electronically to their central repository. Before the file transfer can be complete, however, it will be checked for accuracy and completeness by a program developed for the KBI, called the Gateway. The Gateway will be installed locally and customized for a cost of \$2,500. An additional personal computer and associated software (\$3,300 total) will be needed to perform data file creation and transfer. The total cost of the project is \$192,000 and should be complete in 12 to 18 months. Due to volume, only the original grant application is attached.

The grant will fund the entire cost of the project and no local match is required.

Motion --
-- carried

Knight moved that the Grant application and receipt of funds be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHENEY RESERVOIR

CHENEY RESERVOIR REMEDIATION PROJECT.

Agenda Report No. 99-492.

Cheney Reservoir is a vital component of the City's water supply system. In 1998 Cheney Reservoir provided more than 60% of the City's water supply. In the early 1990's, the City started to experience periodic problems with taste and odor in water from the Reservoir. In 1996 the Bureau of Reclamation and the U.S. Fish and Wildlife Service joined the City in performing an environmental survey of the Reservoir. The survey included water quality analysis and sampling and analysis of sediments at the bottom of the reservoir, as well as the fish in the reservoir. On May 5, 1998, the Council approved a project for engineering services to evaluate the data collected in the survey, development and implementation of a remediation plan based on that information.

The Reservoir was built in 1965. There were no taste and odor problems until 1990. Staff felt that the two steps needed to improve the water quality in the reservoir were to clean up pollutants already in the reservoir and to reduce the amount of pollution entering the reservoir. In 1992 the City started working with the agricultural producers in the watershed above the reservoir to reduce nonpoint source pollution, and that program has received national recognition. The environmental study completed in 1996 created a database which provided an initial description of the quality of the reservoir but did not offer any alternatives to improve the water quality. Because reservoir remediation is a relatively unique activity, a two-step process was initiated. First, reservoir remediation experts were invited to participate in a workshop to develop the concepts for a remediation plan. By working

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 330

together and sharing past experiences, it was hoped the most successful concepts and techniques for the reservoir could be developed. Next, it was planned that a firm would be selected to implement the recommendations of the expert panel. When Staff shared the results of the study, the reservoir remediation experts determined the study did not contain the type of data needed to identify environmental conditions allowing growth of algae that cause taste and odor problems or to develop a sound remediation plan. Additional studies of the Reservoir focusing on the environmental factors that effect algae growth are recommended.

Based on those recommendations, Staff has been working with other reservoir experts at the University of Kansas to develop an additional water quality study for Cheney Reservoir. A proposal to perform the additional study has been submitted to the City. The goals of the study would be to acquire data about the chemicals and biology of the reservoir, measure odor-causing compounds in the reservoir comparing them to corresponding biological and chemical conditions in the reservoir, and to develop water quality management strategies to minimize taste and odor events.

The proposed study would begin in the summer of 1999 and last eighteen (18) months. The cost of study, including personnel and equipment, would be \$165,000. The project is included in the approved 1998 CIP program (project W-548) at a budgeted amount of \$300,000.

Motion --
-- carried

Knight moved that the project be authorized and the Resolution be adopted; the Contract and Notice of Intent be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-177

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City of Wichita, and to issue revenue bonds in a total principal amount which shall not exceed \$300,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

TRANSIT COACHES

PROJECT AND BOND ORDINANCE FOR THE PURCHASE OF SEVEN (7) REPLACEMENT TRANSIT COACHES.

Agenda Report No. 99-495.

Wichita Transit (WT) has been approved to replace seven (7) 1988 Chance Ameribus coaches in accordance with the City's Capital Improvement Program, under Project T-9302. This project is consistent with the City's overall plan of upgrading the transit fleet and to comply with Federal ADA standards. The vehicles being replaced have exceeded Federal Transit Administration standards of up to ten (10) years or 350,000 miles. The appearance and general condition of the vehicles are poor and not ADA compliant. Eighty percent (80%) of project cost is federally funded under grant KS-90-X072.

This coach replacement project presents WT with the opportunity to be fully compliant with all Federal ADA standards and provide service based on area needs. In addition, the cost of maintaining older vehicles is extremely high because replacement parts are no longer carried in normal supply channels, and parts breakdown at a faster rate due to excessive wear and tear. Acquisition of new buses will result in lower operating and maintenance costs.

A bond Ordinance is required to commit local share to the purchase contract. The total project cost is \$1,960,000. The 80% federal share is \$1,568,000 and the 20% local share is \$392,000.

Motion --
-- carried

Knight moved that the replacement be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance finding it necessary to purchase seven (7) transit replacement coaches for the Wichita Transit; and to issue general obligation bonds of the City in an amount not to exceed \$392,000 for the purpose of paying a portion of the costs thereof, with the balance of the costs thereof to be paid from federal grants from the Federal Department of Transportation - Federal Grant Administration, in an estimated amount of \$1,568,000, introduced and under the rules laid over.

PROPERTY ACQ.

ACQUISITION OF SITE 7 (A) FOR THE NORTHWEST SEWER FACILITY. (District V)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 331

Agenda Report No. 99-494.

On March 30, 1999 the City Council authorized staff to complete negotiations for a site for the proposed Northwest Sewer Treatment Plant. The site, designated 7(a), is located in the northeast quadrant of 37th Street North and 135th Street West. It contains approximately 145 acres and is currently utilized as farm land.

The purchase price of the property is \$6,360 per acres. Exact acreage will be determined by survey.

The budget of \$950,000 includes \$930,000 for acquisition and \$20,000 for survey, closing, and title work. The project will be funded by the sewer utility.

Motion --
-- carried

Knight moved that the Budget and Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY DISP.

SALE OF 1109 NORTH WABASH. (District I)

Agenda Report No. 99-495.

1109 N. Wabash is a city-owned unit in the Infill Program. The Infill Program was implemented to preserve existing housing stock while improving and stabilizing older neighborhoods. The home at 1109 N. Wabash was moved and rehabilitated as one of the houses from the McLean Boulevard Widening and is being sold with assistance from the HOMEownership 80 Program.

The HOMEownership 80 Program is designed to allow first-time low to moderate income families purchase homes with city assistance for down payment and closing costs, security system and minor repair. The Program is targeted to families who might otherwise be unable to purchase a home due to down payment requirements and closing costs.

The Wabash property is 1,016 square feet, two bedrooms, one bathroom home with living room and kitchen. This home was purchased by the City of Wichita to implement the McLean Boulevard Widening Project.

The property is selling for the price of \$29,000. The buyer will receive two loans. The first loan is a conventional home mortgage for \$23,000 and the second mortgage is a zero interest, deferred payment loan from HOMEownership 80 for \$7,500.00. The buyer will expend approximately \$600.00 of their own funds at closing.

The property is being appraised by a certified appraiser in connection with the loan application process at CitiMortgage. Seller's estimated closing costs include approximately \$200.00 for title insurance and closing fees.

1109 N. Wabash is legally described as Beginning 562 feet South and 175 feet East of NW corner SW 1/4 NE 1/4 N 66 feet E 134 feet S 66 feet W to beginning, Sec 16-27-1E, Sedgwick County, Kansas.

Motion -- carried

Knight moved that the sale be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (Districts I, IV and VI)

Agenda Report No. 99-596.

On May 3, 1999 the Board of Code Standards (BCSA) held a hearing on the following nine (9) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

Property Address	Council District
1. 3026 E. Stadium	1
2. 1128 N. Market (Accessory Structures)	6
3. 1812 Heiserman	6
4. 2223 N. Fairview (Front)	6
5. 2304 N. Jackson	6

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 332

6. 2527 N. Arkansas	6
7. 3243 N. Market	6
8. 3245 N. Market (Front)	6
9. 411 N. Dodge	4

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolutions setting the public hearing for July 13, 1999, at 11:00 a.m., be adopted. Motion carried 7 to 0.

RESOLUTION NO.R-99-167

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 27, Block 13, Shadybrook Addition to Wichita, Sedgwick County, Kansas, known as 3026 East Stadium, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-166

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the North 15 feet of Lot 224 and 226 on Market Street in Hyde and Ferrell's Addition to Wichita, Sedgwick County, Kansas, known as 1128 North Market (accessory structure) in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-165

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lots 72 and 74, excluding part to City, Block 5, Riverside, now Heiserman, North Riverside Addition , to Wichita, Sedgwick County, Kansas, known as 1812 Heiserman in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-164

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lots 6 and 8, on Fairview Avenue, in Judson's Addition to Wichita, Sedgwick County, Kansas, known as 2223 North Fairview (front), in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-163

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lots 413 and 415 on Jackson Avenue, Rosenthal's Subdivision of Meyers and Snyders out-lots to Wichita, Sedgwick County, Kansas, known as 2304 North Jackson, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-162

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lots 30 and 32, Block 4, in Mascot Addition Wichita, Sedgwick County, Kansas, known as 2527

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 333

North Arkansas in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-161

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lots 27 and 28, Block 18, Jones Park Addition to North Wichita, Sedgwick County, Kansas, known as 3243 North Market in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-160

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lots 25 and 26, Block 18, Jones park Addition to north Wichita, Sedgwick County, Kansas, known as 3245 North Market (front), in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-159

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lots 23-25, First Street McCormick's Third Addition to Wichita, Sedgwick County, Kansas, known as 411 North Dodge, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BAYLEY STREET

BAYLEY STREET ORDINANCE. (District I)

Agenda Report No. 99-497.

On June 24, 1998, the City entered into an Agreement with the Central Kansas Railway (CKR) to make certain improvements to its tracks. One of the improvements was replacing the bridge across the Arkansas River. The cost of the bridge was to be funded with \$200,000 provided by CKR and \$800,000 from funds administered by the Kansas Department of Transportation (KDOT). To provide funding for the bridge replacement and other railroad improvements, the City adopted Ordinance 43-915. The Ordinance authorized a cash payment to CKR not to exceed \$1,200,000 and also authorized the issuance of general obligation bonds in an amount not to exceed \$4,300,000 to improve Bayley Street and area parks.

Following review, KDOT determined that Federal money (\$800,000) could not be used for reconstruction of CKR's bridge across the Arkansas River. Thus, the \$800,000 had to be paid out of Ordinance 43-915 resulting in an \$800,000 shortfall. KDOT agreed to increase its contribution to the Douglas Street Bridge by \$800,000. This will enable the City to move \$800,000 of General Obligation bonding authority from the Douglas Street Bridge project to the CKR bridge project, thus replacing the \$800,000 spent and restoring the funding necessary to complete the Bayley project.

A new Ordinance that increases the City's commitment to CKR from an amount not to exceed \$1,200,000 to an amount not to exceed \$2,000,000 has been prepared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the issuance of bonds by the City of Wichita, Kansas, for the purpose of providing funds to pay the cost of certain public improvements and authorizing the expenditure of funds for the purpose of making a cash grant to Central Kansas Railway, LLC; and repealing Ordinance No. 43-915 of the City of Wichita, Kansas, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 334

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 335

ORDINANCES

SECOND READING ORDINANCES: (First read May 11, 1999)

- a. PCB Bonds for WSU Stadium Renovation.

ORDINANCE NO. 44-252

An Ordinance of the governing body of the City of Wichita, Kansas, designating the use of a portion of the special ad valorem tax levy made under the authority of K.S.A. 76-3 A07 and Charter Ordinance No. 8, as authorized and permitted by K.S.A. 12-1757, et seq., as amended and supplemented by Charter Ordinance Nos. 107, 149 and 162 of the City, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. Central Avenue improvement, from West Street to McLean Boulevard. (Districts IV and VI)

ORDINANCE NO. 44-253

An Ordinance declaring Central Avenue from West Street to McLean boulevard (472-82906) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

- c. Z-3189 - south side of Pawnee, east of Rock Road. (District II)

ORDINANCE NO. 44-254

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight Z-3189

- d. Z-3249 - west side of McLean Boulevard ,south of 9th Street North (District VI)

ORDINANCE NO. 44-255

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas. for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3249

- e. PUD-7 - northwest corner of Douglas and Maize. (District V)

ORDINANCE NO. 44-256

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. PUD-7

PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 33 through 38 could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- carried

Knight moved that Planning Agenda Items 33 through 38 be approved as consensus Items. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 336

V-2171
(Item No. 33)

V-2171 - VACATE A PORTION OF UTILITY EASEMENT LOCATED ON THE SOUTH SIDE OF 124TH STREET COURT AND WEST OF 124TH STREET WEST.

Agenda Report No. 99-498.

MAPC Recommendation: Approve vacation of utility easement.
Staff Recommendation: Approve vacation of utility easement.

The applicant is requesting to vacate a 20 foot side yard utility easement to allow the construction of a residential structure over the common lot line. The applicant has stated that the two lots have been covenanted together to satisfy Health Department requirements on sewage disposal.

No utility representatives or neighboring property owners spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Motion --carried

Knight moved that the request be approved. Motion carried 7 to 0.

S/D 97-76
(Item No. 34)

S/D 97-76 PLAT OF THE PLAZA AT CHERRY CREEK HILLS LOCATED ON THE EAST SIDE OF ROCK ROAD ON THE NORTH SIDE OF OAK KNOLL. (District II)

Agenda Report No. 99-499.

A zone change (Z-3212) from B, Multi-Family Residential to OW, Office Warehouse has been approved for Lot 2 subject to platting. Sanitary sewer and City water are currently available to serve this site. A cross-lot drainage agreement has been provided in accordance with the drainage plan for the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the document and Plat be approved; the Ordinance Z-3212 be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3212

S/D 98-56
(Item No. 35)

S/D 98-56 PLAT OF JOHN WEITZEL SECOND ADDITION LOCATED ON THE NORTH SIDE OF CENTRAL, EAST OF WEST STREET. (District VI)

Agenda Report No. 99-500.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

A zone change (Z-3285) from SF-6, Single-Family Residential to LI, Limited Industrial has been approved for the site subject to replatting. Sanitary sewer and City water are currently available to serve this site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the document and Plat be approved; the Ordinance Z-3212 be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 337

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z

S/D 98-73
(Item No. 36)

S/D 98-73 PLAT OF POWELL COMMERCIAL ADDITION LOCATED ON THE SOUTHEAST CORNER OF OLD LAWRENCE ROAD AND 45TH STREET NORTH.

Agenda Report No. 99-501.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

This site is zoned GI, General Industrial and is located in the County within three miles of the City's boundary.

The Applicant has submitted a restrictive covenant prohibiting on-site sewage disposal on this site since sewage disposal will not be needed at this time.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the document and plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

S/D 98-98
(Item No. 37)

S/D 98-98 - PLAT OF REGENCY LAKES COMMERCIAL ADDITION LOCATED ON THE NORTHWEST CORNER OF 21ST STREET AND GREENWICH. (District II)

Agenda Report No. 99-502.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

This plat is zoned LC, Limited Commercial and LI, Limited Industrial.

Petitions, all 100%, have been submitted for paving, sanitary sewer, water and drainage improvements. A petition for drainage improvements will be handled by the County. Both a City and County Certificate of Petitions have also been submitted. In order to provide for shared access between the lots, an access easement was provided. The site is within the noise impact area of McConnell Air Force Base and an avigational easement and restrictive covenant were required. A Community Unit Plan (CUP) Certificate has been provided identifying the approved CUP and its special conditions for this property.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-178

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89388 (north of 21st, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-179

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 145 (north of 21st, west of Greenwich) Project No. 468-82991 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 338

RESOLUTION NO. R-99-180

Resolution of findings of advisability and Resolution authorizing improving of an accel/decel lane on Greenwich Road from the north line of 21st Street north to the north line of lot 8, Block 1, Project No. 472-83111 (north of 21st, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-181

Resolution of findings of advisability and Resolution authorizing improving of a center left turn lane on Greenwich Road from the north line of 21st Street North to the north line of Lot 9, Block 1, Regency Lakes Commercial Addition Project No. 472-83112 (north of 21st, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-191

Resolution of findings of advisability and Resolution authorizing construction of Main 26, War Industries Sewer (north of 21st, west of Greenwich) 468-82990 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

S/D 98-121
(Item No. 38)

S/D 98-121 PLAT OF RIDGE PORT NORTH ADDITION LOCATED ON THE SOUTHEAST CORNER OF 37TH STREET NORTH AND RIDGE ROAD. (District V)

Agenda Report No. 99-503.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

A zone change (SCZ-0777) from SF-20, Single-Family Residential to LC, Limited Commercial (Lot 2-6) and GO, General Office (Lot 1) has been approved for this site subject to platting. The site is also subject to a Community Unit Plan (DP-237). Subsequent to the zone change, the site has been annexed into the City.

Petitions, all 100%, have been submitted for sanitary sewer, municipal water, drainage, paving, and street improvements. A Certificate of Petitions have also been submitted. As required by the drainage plan for this site, a cross-lot drainage agreement and off-site drainage easement were provided. To provide for shared access between the lots, joint access agreements were provided. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A restrictive covenant has been provided restricting development on Lot 6 until a FEMA Letter of Map Revision has been obtained. A dedication for a temporary turnaround has also been submitted. In order to serve this site, off-site utility easements were provided. A Community Unit Plan (CUP) Certificate was provided identifying the approved CUP and its special conditions for development.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved and the Resolutions be adopted; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-182

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89389 (south of 37th, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 339

RESOLUTION NO. R-99-183

Resolution of findings of advisability and Resolution authorizing construction of Lateral 429, Southwest Interceptor Sewer (south of 37th, east of Ridge) 468-82987 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-184

Resolution of findings of advisability and Resolution authorizing improving of 34th Street North from the east line of Ridge Road, east to a point 600 feet east of Ridge Road, Project No. 472-83113 (south of 37th, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-185

Resolution of findings of advisability and Resolution authorizing improving of 37th Street North from the eastline of Ridge Road, east to the easterly most drive serving Lot 1, Ridge Port North Addition, Project No. 472-83114 (south of 37th, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-186

Resolution of findings of advisability and Resolution authorizing construction of a left turn bay on 37th Street North to serve Lots 1-3, and; decel lane on the south side of 37th Street North to serve Lots 1-3, Ridge Port North Addition, from Ridge Road to the EL of the plat, Project No. 472-83115 (south of 37th, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-187

Resolution of findings of advisability and Resolution authorizing construction of a left turn bay on Ridge Road to serve Lots 1-4 and; accel/decel lane on the east side of Ridge Road to serve Lots 1-4, Ridge Port North Addition, from 34th Street North to 37th Street North, Project No. 472-83116 (south of 34th Street North to 375h Street North, project No. 472-83116 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-188

Resolution of findings of advisability and Resolution authorizing installation of a fully actuated traffic signal and pavement markings as necessary, to serve the intersection of Ridge Road and 37th Street North (south of 34th Street North to 375h Street North, project No. 472-83117 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

RESOLUTION NO. R-99-189

Resolution of findings of advisability and Resolution authorizing construction of lift station modifications to serve Lateral 429 Southwest Interceptor Sewer (south of 34th Street North to 375h Street North, project No. 468-82986 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 340

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. SCZ-0777

Z-3290

Z-3290 - ZONE CHANGE REQUEST FROM "SF-6" SINGLE-FAMILY RESIDENTIAL, "TF-3" TWO-FAMILY RESIDENTIAL AND "LC" LIMITED COMMERCIAL TO "GC" GENERAL COMMERCIAL, LOCATED SOUTH OF CENTRAL AND EAST OF PERSHING. (District II)

Marvin Krout

Director of Planning. reviewed the Item.

Agenda Report No. 99-504.

MAPC Recommendation: Deny.
CPO Recommendation: Deny.
Staff Recommendation: Deny.

The applicant is requesting to rezone a 0.14 acre tract (46 feet by 120 feet) from "SF-6" Single-family residential, "TF-3" Two-family residential and "LC" Limited Commercial to "GC" General Commercial located south of Central and east of Pershing. If this application is approved, the applicants have stated it is their intention to construct a 180-foot communication tower. The applicant has stated that there are three potential users on this site (Cellular One, Sprint, and Western Wireless). This site is a vacant residence that was previously used for child day-care.

The applicants have stated that there is currently an area where cellular phone service is limited, bounded by Hillside, Kellogg, 17th Street and Rock Road. Therefore, the applicants contend that this address is the only viable solution in these boundary limits to construct a cellular tower. However, no documentation has been submitted on the extent or the severity of the phone service problem by the applicant or any of the three potential users.

The applicants have submitted a site plan which shows the removal of the existing home on-site to allow for the construction of an 180 foot self-supporting "lattice"-type tower surrounded by five pad sites (12 feet by 20 feet). Self-supporting towers are designed to collapse in on themselves should there be a structural failure. The tower is shown to be 77 feet east of Pershing right-of-way, 17 feet south of the north property line, 19 feet north of the south property line and 28 feet west of the east property line. The entire area would be enclosed with a six-foot concrete fence around the perimeter with a wooden gate at the entrance to Pershing. The concrete fence may have to be moved to accommodate landscaping materials at least along Pershing, if this request is approved. An asphalt area (approximately 45 feet by 45 feet) is shown west of the proposed pad sites. The applicant has stated it is their intention to provide four parking spaces on-site. Since parking standards are not specifically listed for a communication tower, the Superintendent of Central Inspection will need to interpret which parking standard will apply.

The Unified Zoning Code permits communication towers in the "GC" General Commercial and more intensive districts "by-right." However, the Zoning Code requires the applicant to provide the following information:

- (1) There is no available space on existing or approved towers or other structures which can be utilized to meet the applicant's communication needs;
- (2) There is no other physically and/or fiscally feasible opportunity to rebuild an existing tower or other such structure on which the communication equipment may be located, or to modify an approved tower or other structure. A rebuilding opportunity will be considered fiscally feasible if the cost of rebuilding an existing tower is no more than the cost of building a new tower on a new site;
- (3) The owner of the tower shall agree in writing at the time of the issuance of a building permit the following:
 - (a) The tower is designed to accommodate at least three communication companies and that reasonable accommodations will be made to lease space on the tower to other communication companies so as to avoid having a proliferation of towers which are not fully utilized, and
 - (b) The owner of the land and the tower will make available in the future the opportunity for another party to pay the cost to rebuild the tower to support additional communication equipment where physically and fiscally feasible.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 341

If approved, the applicant will be required to meet the City of Wichita Landscape Ordinance which includes: a landscape street yard where the application area is located across the street from residential zoning, a landscaped buffer along the rear and side properties except on the north, and screening of the parking lot on the west side. Also, the applicant will be required to file a variance request with the Board of Zoning Appeals to reduce the compatibility setback requirement for this 180 foot tower, from a distance of 515 feet from the adjacent "SF-6" zoning district boundaries to just 25 feet.

The applicant has met with neighboring property owners. In addition to land use compatibility concerns and issues of property values, ice build up was a topic of concern. The applicant has stated that because this is constructed of galvanized metal, it tends not to collect ice. If ice does collect on the tower then it should fall straight down or slide down the tower, according to the applicant. The applicant also maintains several million dollars of insurance in case a problem occurs.

The site is surrounded by residential uses to the west, south and east. There are mostly single-family residences in the area, but a couple of multi-family units are also located nearby. North of the site is a gas station on property zoned "LC."

The staff report indicated that the zoning and the proposed land use would be out of character with the surrounding pattern of zoning and land uses, and commented that there were a number of other potential solutions to improving wireless service to this general area that had not been sufficiently studied. These include several tall residential and non-residential buildings on the edges of the area in need of service improvement, and two church steeples inside the area. One of the carriers, which supposedly would be located on this tower, has a separate application to construct a tower in the Carriage Parkway shopping area.

An article on "microcells," written by the consultant who conducted a local workshop sponsored by the MAPC in January 1997 on the subject of telecommunication towers, indicates that microcells should be considered as a more appropriate response than towers to increasing demand in residential areas. Microcells are already in operation locally, including one at Douglas and Woodlawn in Eastborough and a mobile facility parked near Woodlawn and Central. They have more limited range, and it is apparently more expensive to install a number of these microcells as opposed to one tower site, at this time. But with no dollar amounts provided, and no documentation of the extent of service problems in this area, there was no evidence that microcells are not a viable solution for the three users.

At the April 26th CPO 2 hearing, the applicant's agent presented the request. Five persons spoke in opposition to the request. Their objections included the following: this is not the only viable location for a communication tower; the neighbors do not feel that this solution is the best possible solution for fixing the cellular phone service problem; there are other alternatives to solve this problem; no carrier present to speak about the service problem; General Commercial zoning is not compatible with the zoning and uses which surround the application area; and a communication tower will significantly impact property values in the area.

At the April 29th MAPC hearing, the applicant's agent requested a deferral of the request, due to what they believe is an error in the notices sent out to the neighborhood. An existing zoning classification for a small portion of the lot in question was inadvertently left out of the notices sent to the neighborhood. City legal staff reviewed this request and stated that the notice is sufficient to meet state statutory requirements. The MAPC, based on the City's legal staff opinion, agreed to hear this request.

In his presentation to MAPC, the applicant's agent submitted photos of properties in three other areas of Wichita and referred to their study, which purported to demonstrate that towers do not devalue property values. In his rebuttal the end of the hearing, the agent submitted information on the 1994-99 appraised values of properties in three neighborhoods, for homes closer and further from towers built before or during that time period. This information has been placed on file with the City Clerk. Four neighbors spoke in opposition to the request. The concerns voiced by those in opposition to the request were similar to those heard at the CPO hearing. In addition, staff and a neighborhood spokesman noted that all three carriers which the applicant claimed would be located on the proposed tower had other options for service that they were pursuing.

A total of 153 property owners submitted written protests to this application, including 15 of the 22 owners of property within the 200 foot area used for calculating protest area. Nearly 83 percent of the private land within 200 feet has owners who have filed protests.

(An override of the Planning Commission's recommendation requires a 3/4 majority vote of the membership of the governing body, or six votes, due to the protests.)

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 342

Motion --

Pisciotta moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Council concur with the recommendation of the MAPC to deny the zoning request and adopt the findings of the MAPC as the findings of the City Council. Motion carried 7 to 0.

-- carried

Z-3316

Z-3316 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "GO" GENERAL OFFICE, LOCATED ON THE SOUTHWEST CORNER OF EAST CENTRAL AND JACKSON.
(District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-505.

MAPC Recommendation: Approve, subject to Platting within one year and the additional provisions of protective overlay #51.

CPO Recommendation: Approve, subject to MAPD Staff recommendations.

Staff Recommendation: Approve, subject to Platting within one year and the additional provisions of protective overlay.

The applicant requests a zone change from "SF-6" Single-Family Residential to "GO" General Office for a 8.9 acre tract located south of Central and west of Jackson Street in order to develop an office park. The tract consists of Lots 7 and 8 of Gilder's Addition, as well as an unplatted property immediately west of Lot 7. There are two homes situated within the application area, and a non-residential structure that is the location of an existing Conditional Use (CU-453) allowing the sale of agricultural products for a five-year time period. The Conditional Use was approved on September 11, 1997 by the MAPC.

The application area is surrounded on the west and south by single-family homes on large lots zoned ? SF-6" Single-Family Residential. The property north of Central is an undeveloped pasture with ? SF-6" and ? SF-20" zoning. The property to the east is the proposed location of Plaza Central Office Park, an 8.6 acre tract approved for ? GO? General Office zoning with a Protective Overlay. It would be similar to the use proposed by this rezoning request.

The "GO" district was added to the Unified Zoning Code to "accommodate office development and other complimentary land uses? and is ? generally compatible with the ? Office? designation of the Wichita-Sedgwick County Comprehensive Plan." The ? GO? district allows such uses as hotels/motels, hospitals, medical service uses, in addition to offices. The "GO" district also restricts signs to a maximum of 96 square feet per zoning lot, with no artificial illumination, and limits the height to 22 feet.

The request was heard at the CPO(2) meeting on March 22, 1999, and the CPO requested the applicant defer the request for 30 days for the applicant to meet with neighbors.

The request was heard again by CPO(2) on April 26, 1999. Two citizens spoke in opposition. The CPO voted (7-0) to approve the request subject to staff comments, and with the amendment to General Provision 7 of the Protective Overlay stipulating that access on Central shall be limited to one opening and access on Jackson limited to two openings, and the addition of a general provision that the buffer provided along the west property line be 1.5 times the required buffer per the Landscape Ordinance.

At the MAPC meeting on April 29, 1999, two citizens spoke in opposition. Some commission members raised concerns that the request allows commercial use into a residential area. There were questions about the adjoining tract to the east which was rezoned ? GO? General Office in 1997, that established a precedence for non-residential zoning in the area. Some commissioners responded that ? two wrongs do not make a right? . Motion was made to deny the request; the motion failed (6-7). A substitute motion was made to approve the request subject to the protective overlay and with the modifications recommended by CPO(2). Motion carried (8-5).

Motion --

Pisciotta moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be forwarded for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 343

Z-3318

Z-3318 - ZONE CHANGE REQUEST FROM "B" MULTI-FAMILY RESIDENTIAL TO "NR" NEIGHBORHOOD RETAIL, LOCATED SOUTH OF KELLOGG AND EAST OF BLUFF. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-506.

MAPC Recommendation: Approve, subject to conditions of a protective overlay.
CPO Recommendation: Approve, subject to revised conditions of a protective overlay.
Staff Recommendation: Deny.

The applicant is requesting to rezone a 7-8,000 square foot platted tract of land from "B" Multi-family to "NR" Neighborhood Retail. This site is located south of Kellogg and east of Bluff.

The applicant has stated that this building was used as a dentist office prior to him purchasing the property. Medical service uses are permitted in the "B" Multi-family district. The applicant has stated that he was told by the seller's agent that a personal care service (beauty salon) is permitted at this location. However, the Unified Zoning Code only permits a beauty salon by Conditional Use in the "GO" General Office district, and "by-right" in the "NR" Neighborhood Retail district and more intensive districts. Personal care service means an establishment primarily engaged in the provision of frequently or recurrently needed services involving the care of a person or his personal goods or apparel. Typical uses include beauty and barber shops, electrolysis studios, shoe shining and/or repair operations, tailors, and neighborhood laundry and dry cleaning operations.

There is an approximately 1,100 square foot building on-site. The applicant has stated that his wife and daughter currently work out of this building and would like to add more stylists in the future. South of the building is a paved driveway approximately 8 -10 feet in width which leads to an unpaved parking lot. Due to the driveway not permitting two-way traffic and the parking lot also having access to the alley, the applicant will be required to pave the alley from the nearest public street to this parking lot.

The Unified Zoning Code does not provide a parking requirement for a personal care service. Typically, these uses are required to meet the office parking requirement which is one parking space per 250 square feet. Therefore, the applicant would be required to provide five parking spaces.

This building was originally constructed in the 1950's as a dental office and would not require any reconstruction to meet current building code standards.

According to the Office of Central Inspection there was never a complaint from someone in the neighborhood when this was used as a dental office. However, once it was converted to a beauty salon a complaint was received by Central Inspection about the smell from the salon. Central Inspection then provided a notice to the applicant that they were in violation of the Zoning Code and needed to file a Conditional Use request. The City does have an Odor Ordinance and if a complaint is received by the Health Department then an enforcement officer would visit the site to measure the odor. This test is highly subjective and the ordinance is difficult to enforce.

There is a combination of tri-plexes and four-plexes on property zoned "B" Multi-family which is located to the north, south and west of this property. East of the application area across the alley is located single family homes.

At the April 27th CPO 2 hearing, the applicant's agent presented this request. One neighbor spoke about this request and asked that the beauty salon be limited in its operating hours. The CPO voted to approve this request subject to revised conditions of a Protective Overlay. These conditions included: increasing the number of permitted employees to seven, limiting the hours of operation from 8 a.m. to 6 p.m. Monday through Saturday, and the use and signage restrictions recommended in the staff report.

At the April 29th MAPC hearing, the applicant's agent presented the request. One neighbor spoke in opposition to the request, who did not speak at the CPO hearing. This neighbor felt that this development would increase traffic, noise, and also had a certain smell to the operation that affected him. After discussion, the MAPC voted on a substitute motion to approve the request subject to a maximum number of five employees, limiting the hours of operation from 8 to 6 Monday through Saturday, and the use and signage restrictions recommended in the staff report.

Motion --

Pisciotta moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 344

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z - 3318

Z-3319

Z-3319 - ZONE CHANGE FROM "B" MULTI-FAMILY TO "NO" NEIGHBORHOOD OFFICE, LOCATED ON THE NORTH SIDE OF MAPLE APPROXIMATELY 800 FEET EAST OF TYLER.
(District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-507.

MAPC Recommendation: Approve.
CPO Recommendation: Approve.
Staff Recommendation: Approve.

The applicant is requesting a zone change from "B" Multi Family to "NO" Neighborhood Office for a 1.77 acre tract located north of Maple approximately 800 feet east of Tyler in order to convert the existing residence to office use.

The original portion of the structure was built as a farmhouse on the property in 1892, and was expanded during the late 1940s. Currently, the structure is approximately 5,000 square feet in size and has a large, well-established yard. The lot is about 220 feet in width and 400 feet in depth. The house is set back nearly 140 feet from the street and has one driveway onto Maple, plus a second drive onto Evergreen Lane. A low brick retaining wall visually separates the yard from Maple, and the house is well screened by landscaping. It is zoned for multi-family use but was used as a farmhouse, as a restaurant specializing in fried chicken from 1950 to 1957 (The Farm), then as a private residence again from that time until 1990, and most recently, as a bed and breakfast.

When the house was originally built it was in a rural area. Due to its location along the original U.S. 54, a scattering of other residences had been built along Maple in the vicinity by as early as 1938. Today, the property is surrounded by a mix of low-density and high density residential uses. The adjoining property to the east is an 8-unit residential development with two duplexes and one four-plex on a single lot. The adjoining property to the west is a four-plex. Single family residences on 1/3 to one acre lots are found to the north of the site; across Maple to the south is a subdivision of single family residences. There are several commercial uses approximately one block west of the site. There is a drive-in restaurant, commercial building and a convenience store on the north side of Maple between Robin Lane and Tyler Road. There is a church and an apartment complex on the south side of Maple.

The proposed use for the property is to convert the residence into an office. The contract purchaser proposes to use it for a mortgage banking office and has requested ? NO? Neighborhood Office zoning. The applicant has stated that the house and site would remain in the same general appearance, but the overall condition of the structure would be upgraded. The type of business operated by the applicant involves a relatively small number of employees and generates a very low volume of clients traveling to the site per day. However, rezoning the property from ? B? Multi-Family to ? NO? would allow the property to be used for any general office use that meets the criteria of the Uniform Zoning Code for ? NO? zoning, so that a more appropriate consideration is whether a typical office use would be an acceptable use for the property in question. On the other hand, the ? B? district permits the use of this property as a medical clinic, which is generally more intensive than general office use.

The purpose of the ? NO? Neighborhood Office District, which was added to the Unified Zoning Code adopted August 29, 1997, is ? to accommodate very-low intensity office development and other complementary land uses that are generally appropriate near residential neighborhoods.? It is a zoning district that can be placed as a buffer between residential uses and commercial uses of higher intensity.

The "NO" Neighborhood Office District adds the following uses to those already permitted in ? B? Multi-Family: general office, ATMs, and cultural groups (museums, etc) as uses permitted ? by right? and ancillary parking lots as uses permitted only by ? conditional use? . The ? NO? zoning transfers some of the uses permitted ? by right? under ? B? zoning to ? conditional uses? (multi-family, group residence, limited, assisted living, college or university, community assembly), and eliminates other uses altogether (cemetery, convalescent care facility, hospital, school, marine facility).

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 345

At the CPO(5) meeting on April 28, 1999, there were no members of the public who spoke in opposition. After very brief discussion, the CPO voted to recommend approval subject to staff comments (5-0).

At the MAPC meeting on April 29, 1999, there were no members of the public who spoke in opposition. After a presentation by the applicant and brief discussion, MAPC voted to recommend approval (12-0-1).

Council Member Rogers left the Bench.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC, "NO" zoning, be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 6 to 0. (Rogers absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z- 3319

Z-3320

Z-3320 - ZONE CHANGE REQUEST FROM "LC" LIMITED COMMERCIAL TO "SF-6" SINGLE-FAMILY RESIDENTIAL, LOCATED NORTH OF 47TH STREET SOUTH AND WEST OF MERIDIAN.
(District IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-508.

MAPC Recommendation: Approve.
CPO Recommendation: Approve.
Staff Recommendation: Approve.

The applicant is requesting to rezone 2.2 acres of property from "LC" to "SF-6" located north of 47th Street North and west of Meridian. This property is being platted as the Angel Acres Addition.

The applicant is requesting this rezoning due to requirements in the Subdivision Regulations. If this property remained "LC" Limited Commercial, the Subdivision Regulations would require a wider road right-of-way as well as the road being developed to a higher standard. A covenant on this property to limit this property to single-family uses would not have allowed staff to waive the Subdivision Regulations on commercial street standards. Therefore, the applicant needs to rezone this property.

This property was annexed into the City of Wichita on April 16th.

There is undeveloped land located north and east of the property, zoned "LC." South of the property across 47th Street South is a single-family home, zoned "LC." A portion of the Angel Acres Addition is located west of the site and is zoned "SF-6."

At the April 22nd CPO 4 hearing, the applicant's agent was present to address the Council. One person spoke in opposition to the request. This person did not feel that the plat should be approved until such time as the traffic congestion in the area was reduced. The CPO voted 8-0 to approve the request.

At the April 29th MAPC hearing, the applicant's agent discussed the request. No one spoke in opposition to the request. The MAPC voted 13-0 to approve the request, subject to platting.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council,. Motion carried 6 to 0. (Rogers absent)

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 346

DR 99-1

DR 99-1 - ZONE CHANGE REQUEST FROM "LI" LIMITED INDUSTRIAL TO "CBD" CENTRAL BUSINESS DISTRICT, LOCATED SOUTH OF WATERMAN AND WEST OF WATER. (District I)

Council Member Rogers present.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-509.

MAPC Recommendation: Approve "CBD" for the area owned by the City of Wichita.
CPO Recommendation: Do not expand "CBD" zoning east of St. Francis.
Staff Recommendation: Approve "CBD" for the area owned by the City of Wichita.

In December, the City Council considered solutions to parking problems in the downtown area. At least one property owner had expressed concerns regarding the difficulty of providing off-street parking when converting buildings to new uses in the 600 block of East Douglas. In response, the City Council directed the Planning Commission to hold a public hearing to consider expanding the "CBD" zoning district, east across St. Francis, to include this block and the larger area of which it is a part, bounded by Central Avenue, the BNSF railroad tracks, Kellogg and St. Francis Street. Staff has also included a "remnant" half-block owned by the City of Wichita, south of Waterman and west of Water Street, on the opposite side of the downtown area.

West Area:

This one-half block is owned by the City of Wichita, with the major use being the Childrens' Museum. The City is currently evaluating proposals to acquire and develop this half-block along with the adjoining half block to the west, which is now a public parking lot zoned "CBD". The Hyatt Hotel is located to the north ("CBD", Central Business District), parking and vacant land are located to the east ("CBD", Central Business District), and commercial and public uses ("LI", Limited Industrial) are located to the south.

Existing "CBD"(Central Business District) zoning is confined to a rectangular area generally bounded by Central Avenue (north), St. Francis Street (east), Kellogg (south) and an irregular line created by Wichita Street, Civic Center Place, the Arkansas River, Lewis and Water Streets (west). These boundaries are similar to those originally established in 1946 when the "CBD" district was first established. In recent years, there has been some expansion of the "CBD" district to the northeast and southeast, and several variances to parking requirements have been granted by the Board of Zoning Appeals for properties just beyond the boundaries of the "CBD" district.

The "CBD" District was established as a way to delineate the city's core business district from other commercial areas. In contrast to the other two commercial categories of that time - the "LC", Light Commercial and the "C", Commercial districts - the "CBD" district allowed a few "light manufacturing" and printing shop uses not permitted in the other two commercial districts and permitted unlimited building heights, and unlike the other districts, off-street parking was not required for properties zoned "CBD". Many of these distinctions between the "CBD" district and other commercial districts still exist today.

When the "LI" and "CBD" districts are compared and contrasted to each other, the list of permitted uses are similar, except that the "LI" district permits several uses that are not allowed in the "CBD" district: airports, kennels, asphalt plants (general), freight terminals, gas/fuel storage, landfill, salvage yard and grain storage. The "CBD" district permits several uses not allowed in the "LI" district: all residential uses, group homes and bed and breakfast uses. Additionally, the "CBD" district does not require any off-street parking to be provided, unlike the "LI" district. There is not a height limitation in the "CBD" district while the "LI" district contains an 80 foot height limit (plus two more feet of height for every additional foot of setback beyond the minimum). There are not any minimum lot size, lot width, or building setback standards in the "CBD" district. The "LI" district has a front yard setback of 20 feet and an interior side yard setback of 0 or 5 feet, otherwise property development standards in the "LI" district are the same as the "CBD" district.

The half-block in question falls within the boundaries of City Council and CPO district 1. At the April 12th CPO 1 hearing, the CPO voted 4-0 not to approve the expansion of "CBD" zoning. They reasoned that businesses west of the railroad tracks already use Old Town parking lots, but do not contribute financially like Old Town merchants and owners do, and that if uses change due to expanding the CBD district, this inequity will be even greater. The CPO vote reflected their concern with the east expansion of the CBD district; they did not specifically address the city-owned half-block in their discussion.

At the April 15th MAPC hearing, the hearing was deferred due to a lack of a quorum.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 347

At the April 29th MAPC hearing, the Planning Commission again continued the hearing for the area between St. Francis and the railroad tracks, but voted to recommend "CBD" zoning for the half-block area, owned by the City of Wichita and located at the southeast corner of Water and Waterman.

Motion --

Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. DR 99-1

A 99-15

A 99-15 - REQUESTS THE ANNEXATION OF PROPERTY GENERALLY LOCATED ½ MILE EAST OF GREENWICH ROAD, SOUTH OF HARRY STREET. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-510.

This property is located approximately ½ mile east of Greenwich Road, south of Harry Street and consists of approximately 80 acres of undeveloped land. The property owner requests annexation by virtue of a signed Application for Water Service Outside the Corporate Limits of Wichita and Related Petition and Consent to Annexation. The final plat, for 185 Single Family Residential lots (Tara Falls Addition), was approved February 5, 1998.

The site consists of one undeveloped tract of land that has been subdivided into 185 Single Family Residential lots and currently abuts the City to the north and east. The site is zoned "SF-6" Single Family Residential and the general character of the surrounding area is residential. The land directly to the north, south and west of the site is zoned "SF-20" Single Family Residential. Land immediately to the east of the site is zoned "SF-6" Single Family Residential and includes "LC" Limited Commercial zoning at the northwest and southwest corners of the Harry and 127th Street East intersection.

Water service will be provided to the proposed annexation site by the City. The City Water and Sewer Department indicates that there is an existing 16 inch water transmission main along the Harry Street right-of-way. For sanitary sewer, the site will be served by the Four Mile Creek Sewer District.

The area proposed for annexation will have direct access to Harry Street, a two-lane improved section line road built to the county standard (asphalt with open ditches). Currently, there are no plans to improve Harry Street from Greenwich to 127th Street East in the 1998-2007 C.I.P.

The Wichita Fire Department can serve this site with a 5-6 minute approximate response time from Station #18 located at 2808 N. Webb Road. Sedgwick County Fire Department can serve this area with a 9-10 minute approximate response time from Station #38 located at 9th Street N and 143rd Street East. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

The property is located within the Policy 32 urban service area and within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

The property proposed for annexation is currently 185 vacant lots with no improvements. As such, the total appraised value of the property is only \$7,400; the assessed value (12%) of the property totals \$888. Therefore, at the current City levy (\$31.253/\$1000 x assessed valuation), this roughly yields \$28 in City annual tax revenues for the property as unimproved.

However, construction of some of the single-family homes is currently underway. Assuming the residential development proceeds as planned and that the current City levy does not change, the property should yield approximately \$99,713 in City annual tax revenue upon project completion.

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 348

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotte moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-15

A 99-18

A 99-18 - REQUESTS THE ANNEXATION OF PROPERTY GENERALLY LOCATED 1/8 MILE SOUTH OF 21ST STREET NORTH ON THE WEST SIDE OF 119TH STREET WEST. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-511.

This property is located approximately mile south of 21st Street North on the west side of 119th Street West and consists of approximately 2.17 acres of undeveloped land. The property abuts the City on the north, south and west.

The site consists of one residential tract of land and is zoned "SF-20" Single Family Residential. The land directly to the south, east and west of the site is zoned "SF-6" Single Family Residential and is in the City of Wichita. Land immediately to the north of the site is zoned "LC" Limited Commercial and is also incorporated. The property owner has previously indicated to staff a desire to rezone the property to accommodate office or retail use in the future. The site will automatically convert to "SF-6" Single Family Residential upon annexation.

The City Water and Sewer Department indicates that there is a 12 inch water transmission main along the 119th Street West right-of-way and a 12 inch water transmission main along the 21st Street North right-of-way. City sewer lines are located along the 21st Street North Right-of-Way to the east of 119th Street West. Subdivisions surrounding the site are currently served by City Sewer.

The area proposed for annexation has direct access to 119th Street West, a two-lane improved section line road built to the county standard (asphalt with open ditches). The area will also be near 21st Street North, a two-lane improved section line road built to the county standard (asphalt with open ditches). Currently, there are no plans to improve 119th Street West in the Wichita 1998-2007 C.I.P.

The Wichita Fire Department can serve this site with a 6-7 minute approximate response time from Station #16 located at 1632 N. Tyler Road. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

The property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

The property is located within the Policy 32 urban service area and within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

The property proposed for annexation currently has a total appraised value of \$102,740; the assessed value (11.5%) of the property totals \$11,815. Therefore, at the current City levy (\$31.253/\$1000 x assessed valuation), this roughly yields \$369 in City annual tax.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Martz moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A-99-18

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 349

H 99-1

H 99-1 - WICHITA REGISTER OF HISTORIC PLACES LANDMARK DESIGNATION FOR 536 NORTH BROADWAY, TWENTIETH CENTURY CLUB PROPERTY, "GC" GENERAL COMMERCIAL, AND "B" MULTI-FAMILY ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NORTH BROADWAY AND ELM. (District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-512.

MAPC Recommendation: Approve Wichita Register of Historic Places Landmark Designation.
HPB Recommendation: Approve Landmark Designation.
CPO Recommendation: Approve Landmark Designation.
Staff Recommendation: Approve Landmark Designation.

The Twentieth Century Club membership has made application for Wichita Landmark designation for the clubhouse located at 536 N. Broadway. This building has served as the Twentieth Century Club's office and clubhouse since 1923. The 20th Century Club was organized in Wichita in 1899 by Louise Murdock and was chartered in 1920 by the State of Kansas. The organization is dedicated to the support of fine arts, literacy, and educational and scientific undertakings. The original frame structure, built in 1899 as a residence by Judge Sankey, is a Victorian Queen Anne, Free Classic, Hipped Roof with Lower Cross Gables. The porch across the full front and along the north side and the round tower at the northwest corner of the house are other Queen Anne Victorian defining features. After Judge Sankey's death his widow sold it to the club in 1923. In 1925, a two storey, brick addition was constructed on the east side of the frame structure to provide a transition to the planned construction of the auditorium. In 1931, the auditorium and dining room addition was built. Architectural details such as columns and eave brackets replicate the features of the frame structure in the middle section. The auditorium has art deco motifs.

The Twentieth Century Club is being nominated to the Wichita Register of Historic Places based on several criteria, including:

Character, interest or value as part of the development, heritage, or cultural characteristics of the City of Wichita, State, or United States.

This building served as the clubhouse for the women's non-profit organization which contributed to the support literacy, educational and scientific activities, and the support of the fine arts in the Wichita community.

Identification with a person or persons who significantly contributed to the culture and development of the City.

Mrs. Louise Caldwell Murdock, wife of Roland P. Murdock, helped found the Club on January 3, 1899. She was known in the community for her cultural and intellectual interests. She was an enthusiastic supporter of the Chautauqua movement which, helped bring many nationally known speakers to Kansas. She left a trust fund for buying a city owned art collection that later became the foundation of the Wichita Art Museum.

Value as an aspect of community sentiment or public pride.

The Twentieth Century Club organization is well known in the community for their support of Wichita artists of all disciplines.

Over the years, the building has received sporadic exterior maintenance. Twentieth Century Club members have been able to maintain the interior in good condition. The exterior of the frame structure is in need of repair and paint. The Club has made the request for designation so they will be eligible to apply for grant funds from the State Heritage Trust Fund administered by the Kansas State Historical Society.

The land use surrounding the application area consists of a variety of uses, including a church, apartments, and law offices. The property to the south, and west is zoned "GC" General Commercial and is occupied by the First Presbyterian Church (southwest corner Elm and N. Broadway), and Commodore Apartments (northwest corner of Elm and N. Broadway). The property to the north is zoned "GO" and is occupied by a law office and a surface parking lot.

Local landmark designation will require the property owner to have all exterior modifications, alterations and additions that require the issuance of building or other permits, including demolitions, to be reviewed by the Historic Preservation Board, except for "emergencies." Landmark designation also qualifies the property to be eligible to apply for funds through the Revolving Loan Program for Historic Properties and state Heritage Trust

CITY COUNCIL PROCEEDINGS

JOURNAL 168

MAY 25, 1999

PAGE 350

Fund Grants. The land use on the application site does not change, and "environs" reviews of adjoining properties are not triggered with landmark approval. Environs review is only required for state or national register properties.

Motion --
-- carried

Cole moved that nomination of the Twentieth Century Club Building to the Wichita Register of Historic Places be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance designating as an Historic Landmark certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010 and Section 2.12.1018, as amended, introduced and under the rules laid over. H 99-1

S/D 99-2

S/D 99-2 - RESOLUTION FOR THE CREATION OF COUNTY BENEFIT DISTRICT FOR STREET IMPROVEMENTS TO SERVE GATEWAY CENTER ADDITION. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-513.

MAPC Recommendation: Approve the Resolution.
Staff Recommendation: Approve the Resolution.

Gateway Center Addition was approved by City Council on March 23, 1999 and annexed by the City on the same date. A paving petition is being handled by the County for a right turn lane on the south side of 13th Street North from Greenwich Road to K-96.

A resolution has been provided acknowledging the consent of the City for the creation of a County Benefit District for the street improvements to serve this Addition.

Motion -- carried

Pisciotta moved that the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-192

A Resolution of consent of governing body of the City of Wichita to creation of a benefit district within the limits of the City of Wichita for street improvements to serve Gateway Center Addition to Wichita, Kansas, presented. Pisciotta moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotta, Rogers, Knight.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice, preliminary discussions relating to the acquisition of real property for public purposes, and confidential data relating to the financial affairs or trade secrets of a business, and the Council return at 12:10 p.m. Motion carried 7 to 0.

RECESS

The City Council recessed at 11:35 a.m. and reconvened at 12:25 pm.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council adjourned at 12:25 p.m.

Pat Burnett
City Clerk